The copy filmed here has been reproduced thanks to the generosity of:

Library of the National Archives of Canada

The images appearing here are the best quality possible considering the condition and legibility of the original copy and in keeping with the filming contract specifications.

Original copies in printed paper covers are filmed beginning with the front cover and ending on the last page with a printed or illustrated impression, or the back cover when appropriate. All other original copies are filmed beginning on the first page with a printed or illustrated impression, and ending on the last page with a printed or illustrated impression.

The last recorded frame on each microfiche shall contain the symbol ⟶ (meaning "CONTINUED"), or the symbol ▽ (meaning "END"), whichever applies.

Maps, plates, charts, etc., may be filmed at different reduction ratios. Those too large to be entirely included in one exposure are filmed beginning in the upper left hand corner, left to right and top to bottom, as many frames as required. The following diagrams illustrate the method:

L'exemplaire filmé fut reproduit grâce à la générosité de:

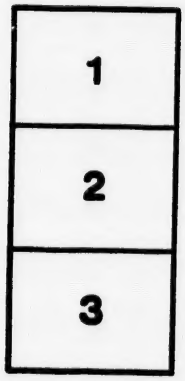
La bibliothèque des Archives nationales du Canada

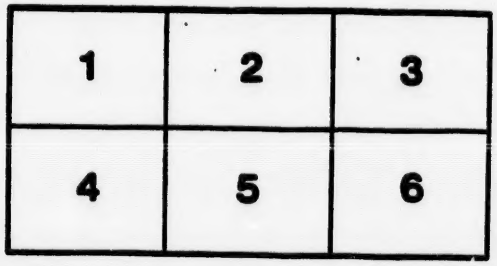
Les images suivantes ont été reproduites avec le plus grand soin, compte tenu de la condition et de la netteté de l'exemplaire filmé, et en conformité avec les conditions du contrat de filmage.

Les exemplaires originaux dont la couverture en papier est imprimée sont filmés en commençant par le premier plat et en terminant soit par la dernière page qui comporte une empreinte d'impression ou d'illustration, soit par le second plat, selon le cas. Tous les autres exemplaires originaux sont filmés en commençant par la première page qui comporte une empreinte d'impression ou d'illustration et en terminant par la dernière page qui comporte une telle empreinte.

Un des symboles suivants apparaîtra sur la dernière image de chaque microfiche, selon le cas: le symbole ⟶ signifie "A SUIVRE", le symbole ▽ signifie "FIN".

Les cartes, planches, tableaux, etc., peuvent être filmés à des taux de réduction différents. Lorsque le document est trop grand pour être reproduit en un seul cliché, il est filmé à partir de l'angle supérieur gauche, de gauche à droite, et de haut en bas, en prenant le nombre d'images nécessaire. Les diagrammes suivants illustrent la méthode.





W

J.

A

WELLAND CANAL COMMISSION.

ARGUMENT

OF

J. C. RYKERT, ESQ.,

COUNSEL FOR MR. ELLIS, SUPT.,

BEFORE

A. F. WOOD, ESQ., COMMISSIONER.

13TH NOVEMBER, 1889.

Cath
to M
perso
expen
consi
M
in you
any a
T
summ
M
the wh
T
M
the sa
T
only b
M
T
M
M
M
world
TH
be aide
your ev
to any
that; b
argume
answer
understa
MR
here and
TH
called u
type. I
MR.
correct r
take to t
MR.
us, and
THE
and I wr
MR.

ST. CATHARINES, 13th Nov., 1889.

The Commission met at 11:25 A. M.

MR. McCALLUM—Are you going to have the argument in typewriting?

THE COMMISSIONER—No. My decision was reached after leaving St. Catharines, and I wrote you at the earliest possible date afterwards; and also wrote to Mr. Rykert. My reasons were that the report of the argument would be for my personal benefit, and I did not care to take the responsibility, after finding the expense which would be entailed by it, and understanding that the Department considered that a matter for my personal benefit.

MR. McCALLUM—I came prepared to argue the case. You have the evidence in your hand, and will, no doubt, come to a conclusion from the evidence, without any assistance from me.

THE COMMISSIONER—I would be glad to have your help in the matter of summing up.

MR. McCALLUM—I did not come here for that purpose. I wanted to have the whole case complete. I wanted to have all the proof I produced.

THE COMMISSIONER—All the proof which is produced here shall be put in.

MR. McCALLUM—But I want it taken in shorthand, and want it in writing, the same as the other.

THE COMMISSIONER—Your statement would not be evidence, and would only be as explanatory, from your standpoint of the evidence.

MR. McCALLUM—But I want to get my argument.

THE COMMISSIONER—For whose benefit is the argument?

MR. McCALLUM—For the benefit of the public.

MR. RYKERT—Why cannot Mr. Johnston take it down in shorthand?

MR. McCALLUM—You have the evidence, and I want to point out to the world what I did prove, and you shall be the judge whether I did or not.

THE COMMISSIONER—I suppose my position will be this I would like to be aided in your pointing out personally such points as you consider established by your evidence, and I will take notes; and if Mr. Rykert sees fit to call my attention to any points he thinks he has made on behalf of his client, I shall take a note of that; but I do not propose to assume that either your argument, or Mr. Rykert's argument, is going to be correct. I do not mean to take your arguments as an answer to the evidence. I propose to read the evidence. I am quite at a loss to understand why you should insist upon its being in type.

MR. McCALLUM—My understanding was that Mr. Holland was going to be here and take the argument down.

THE COMMISSIONER—I did not intend that the government should be called upon to pay $100 simply that I might have the benefit of your argument in type. I could get the benefit without the Stenographer.

MR. McCALLUM—The evidence is before you, and I hope you will make a correct report. I have no right to say you will not, and if I have any objections to take to the report I shall sum up somewhere else, not here. Good day.

MR. RYKERT—I intend to go through the whole of the charges made against us, and meet them all, and Mr. McCallum can do as he pleases.

THE COMMISSIONER—This decision of mine was reached after leaving here, and I wrote you immediately.

MR. McCALLUM—I got your letter yesterday.

THE COMMISSIONER—I wrote you informing you of the fact that the government gave me to understand that in the summing up it is a matter for my own individual personal benefit; and if I am willing to take the responsibility of directing Mr. Holland to report the argument for my benefit, at a cost of $100, it is all right.

MR. McCALLUM—Very well; you can sum up that matter. You have got the evidence there and do not want my assistance; but I wanted, in justice to myself, in justice to this whole case, as I think the argument should be there, and if I have not proved what I say, all right, and I will not go a step further. You can go on.

MR. RYKERT—Mr. Johnston will take down the argument.

MR. McCALLUM—I have no feeling about the matter.

THE COMMISSIONER—Your tone is not pleasant. You say I can go on. Of course I will go on, if I see fit, without asking anybody's permission. I want to tell you, before you go, I will have that taken down in typewriting, so that you will have no excuse.

(Mr. McCallum retires.)

MR. RYKERT—I am sorry Mr. McCallum flies in a passion. I expected to have the benefit of his argument—and to answer it.

THE COMMISSIONER—I will write to Mr. McCallum telling him I will have the argument taken down in shorthand, and written out, commencing at 2 o'clock.

Adjourned till 2 P. M.

AFTER ADJOURNMENT.

THE COMMISSIONER—I sent a communication to Senator McCallum, stating that, as he had such strong feelings with reference to having his argument reported in typewriting, that I had decided to employ Mr. Johnston, an expert, who was present, for that purpose, for his benefit, and for the benefit of Mr. Ellis; and that I hoped he would be here at 2 o'clock to go on with his argument. I may state that I received a letter from Mr. McCallum, in which he declines to proceed with his argument. He thinks he was not fairly treated in the matter, and declines to go on with it.

THE COMMISSIONER—I may state here that I intend to avail myself, before I make out my report, by applying to Mr. Page for any information I may consider necessary in reference to this matter. Wherever I apply for any information I think is of sufficient importance I will send a copy of it here to you, so that you will know exactly the question and reply from him, and I shall probably supply Mr. McCallum with the same thing. I regret very much that Mr. McCallum should have felt hurt at anything I should have said, from the fact that my only object in refusing to have it in typewriting was simply a matter of economy and saving an expense which I considered unnecessary, and I had no idea that Mr. McCallum was so exceedingly anxious to reach the public through the typewriting.

And now I call upon Mr. Rykert to proceed with any remarks he wishes to make in connection with this matter.

MR. RYKERT—I regret exceedingly that Mr. McCallum, who has seen fit to make these charges in the Senate, and who has been the cause of this Commission being issued to make an inquiry into the management of the Canal, should have at

the last minute declined the offer which you made him to have his argument reported in full. He has no right, I think, to complain of your treatment of him during the progress of this inquiry, because if any person in a court house, or in an official inquiry, was ever allowed a latitude by any person, he certainly was by you. Instead of treating him improperly, I can only say for Mr. Ellis, and I think I can say truthfully, that you have conducted this inquiry with that judgment and that ability which I think the country had a right to expect from you. From your long experience in public matters, and your experience as a business man, I am satisfied the Government could not have made any better selection. As far as I am concerned, I am glad to bear testimony to the fact that this inquiry has been conducted with judgment and with moderation, and a determination to arrive at the bottom of the whole matter, to sift it from beginning to end, and in such a manner as well warranted the government in appointing you. I say it is due to you to make those observations, because I consider that, in a long investigation, which involved no less than the trial of about 150 odd charges of one kind and another, it required a good deal of judgment and a good deal of tact upon the part of the gentleman conducting the investigation, as to how, and in what manner, the evidence should be received. So far as Mr. Ellis is concerned, and so far as I am personally concerned, I am happy to bear testimony to your great ability and your great judgment, and your exceedingly great patience in listening to this investigation, and to the taking of the evidence throughout the whole inquiry. I think it is due to you to make these remarks, particularly after what I consider to be the very offensive manner in which my old friend, Senator McCallum, has laid the charge to you that he had not been fairly treated. It is not open to him, at any rate, to make the charge. So far as we are concerned, Mr. Ellis says he has been fairly treated, and treated with the utmost consideration by you, and, whatever your judgment may be upon this inquiry, Mr. Ellis will be perfectly satisfied you will give it according to the dictates of your own conscience.

Now, sir, what I understood to be the object of this inquiry was to investigate into the management of this canal. It is for you to inquire—and those were the instructions of the Government to you—whether the management was good or whether it was bad; and, if bad, whether Mr. Ellis was to blame for it; and, if any abuses existed, how and in what manner the abuses could be best corrected. That I consider to be the scope of your inquiry. I did not consider it your duty—nor did I believe the Government considered it your duty—to extend your inquiry into investigating matters of petty grievances that different persons, former employees of the canal, or present employees of the canal, might have against Mr. Ellis or his deputy superintendents. I considered your duty was one of a larger scope, investigating a matter of a public character, looking into the management of a great public work, the greatest, probably, in this country, of a public character, excepting the Canadian Pacific Railway. It was your duty, I conceived—and I have no doubt you looked upon it in that light—to enquire whether or not any abuses did exist; and, if so, how those could be remedied; and to make such suggestions, as to the future management of the canal, as your judgment might dictate. Now, that is the way that I looked at this enquiry. From the very commencement I had no idea that Mr. McCallum could lay his finger upon a single act of maladministration upon the part of Mr. Ellis, or his employees, or his deputy superintendents, or upon any one single thing which would satisfy you that they had acted dishonestly or

corruptly; that if they had made mistakes that they acted on their best judgment, and it was purely an error of judgment. But, it seemed, from the very commencement, that the learned senator had directed his attention particularly and especially to investigating small, trifling charges, matters certainly not affecting the management of the canal, matters which had been disposed of years ago, many of them, by the department, and matters of private grievance, with which you, sir, have nothing whatever to do; with which the Government, I may say, have nothing to do, many of which have been presented to the Government years ago and passed over in perfect silence. I say I noticed from the very commencement that that was the drift of the Senator's observations.

Now, what the public was anxious for in this great enquiry was to know all about the management of the canal; and I have no doubt you noticed, from the very commencement until the close of the investigation, on the part of the prosecution, that not one single question was put to a witness about the management of the canal; not one single question was asked of any person except Mr. Page, the very last person who, from his position, ought to be asked, to give an opinion about such a matter. Not a single witness was asked the question whether or not the canal was well or properly managed. That question was entirely ignored. It was within his province to have brought experts here, men of ability and experience, of whom we have plenty in this country, like Mr. Walter Shanly and others, who could have come and testified with regard to the management of the canal. Not one of them has been brought here to question Mr. Ellis' management; but, on the contrary, questions have been asked, and opinions sought to be obtained, from persons who had feelings of hostility towards Mr. Ellis, and who were not at all conversant with the management of the canal. Now, as I said, the country had a right to expect that, and you had a right to expect that, from the prosecution; you had a right to know whether or not, from the experience of men like Mr. Shanly and others, Mr. Ellis conducted this canal properly. You are not called upon, nor would the country thank you to investigate a lot of charges of a purely personal character, which had been exploded years ago.

Now, another thing must have struck you during the investigation—that all these trivial charges brought against Mr. Ellis are of a stale character, dating back to 1880 and 1881, down to three or four years ago; but not a single enquiry has been made as regards the management of the canal; not a single enquiry has been made about the troubles with officials in the last three or four years; but, I say, matters of an old character, which have no bearing whatever on the management of the canal, have been brought up. I am sorry to say—and if the Senator were here I would make the same observation, although I would not wish to say anything reflecting upon Mr. McCallum one way or the other, or upon any person, if I could avoid it—that there appears to be something personal at the bottom of this matter, and can come to no other conclusion when I look at the speech which was referred to you for investigalion, and which, I believe, was your naked instructions—

THE COMMISSIONER—Yes.

MR. RYKERT—When that speech was referred to this Commission for investigation, one could not fail to see that it was purely a private matter; that, underlying this whole enquiry, there was a venom and spite manifested against Mr. Demare particularly, because he would not employ Mr. Mossip.

their best judgment,
the very commence-
ularly and especially
flecting the manage-
o, many of them, by
ou, sir, have nothing
nothing to do, many
passed over in perfect
t was the drift of the

uiry was to know all
ou noticed, from the
part of the prosecu-
e management of the
t Mr. Page, the very
opinion about such
or not the canal was
. It was within his
erience, of whom we
hers, who could have
Not one of them
out, on the contrary,
d, from persons who
not at all conversant
ntry had a right to
rosecution; you had a
like Mr. Shanly and
not called upon, nor
of a purely personal

vestigation—that all
aracter, dating back
a single enquiry has
le enquiry has been
ur years; but, I say,
the management of
he Senator were here
ish to say anything
ry person, if I could
ttom of this matter,
which was referred
instructions—

mmission for investi
ter; that, underlying
st Mr. Demare partic-

I shall run through these charges as hurriedly as I can. I propose to strike at the very foundation of this charge, and show you how little Mr. McCallum was justified in making the accusations he made against Mr. Ellis in the Senate. In his speech in the Senate, referring to the object of this enquiry, Mr. McCallum says: "What has led me to make this enquiry at all is this: a year ago last January a "young man named William Mossip, an acquaintance, came to my house, and I "asked him what he was doing. He said that he was out of employment just then: "that he was living on section number one, on the Welland Canal. I wrote a "friendly letter to Mr. Ellis, Superintendent of the Canal, asking him if he would "give this man continuous employment, as he had a large family to support. I "have not got a copy of that letter. Mr. Ellis wrote me, in reply, the following "letter, dated 14th January, 1888, giving me the reasons why he could not employ "this man." And the letter was put in, and will appear in the speech Mr. McCallum made, published in the Senate reports of that date. Mr. Ellis then gives his reasons why he could not employ him, and, among the rest, he says, "it is "simply that his ill-temper and general bearing towards his boss has been so "vicious that at last it became unbearable and intolerable. He has been trained, "and become thoroughly acquainted with the work, and we are anxious to keep "him; and although he has received several warnings of dismissal, they have proved "unavailing."

I say the whole foundation of this enquiry arises from the fact that Mr. Ellis would not employ, and keep in his employment, a man named Mossip, whom Mr. Mr. McCallum says is a young man of good reputation and character, and such a person as should be employed. It does seem to me that Mr. McCallum must have been satisfied, if any person could be satisfied, before he closed his enquiry, that Mr. Mossip was not a man of such a character and reputation as any government could employ. Just let me point out here that there have been called upon Mr. McCallum's behalf twenty witnesses, to testify as to the character of Mr. Mossip. There are eight of these who have sworn that he was an agreeable man to work with, but five out of the eight have sworn that his reputation for being of a quarrelsome disposition was well-known throughout the village of Port Dalhousie, where he resided. The other twelve witnesses have unhesitatingly sworn that he was of a quarrelsome disposition, that he used obscene, violent and profane language, and several of them would not work with him under any circumstances; but the general concensus of opinion expressed by these persons is that Mr. Mossip was a disagreeable and quarrelsome man. That is all referred to in the different pages of the evidence, to which it is hardly necessary for me to direct your attention; but you will find them commencing at page 58, and extending away down to page 1900, and so on. So that you will have observed that, during the conduct of this enquiry, a large number of witnesses called by Mr. McCallum himself have, not only upon the examination-in-chief, but upon cross-examination, admitted that he was a man totally unworthy of being associated with, particularly as a working man. The few people who speak in his favor only speak from their knowledge of him gained by working with him from two to three weeks in the course of three or four years; the longest time any witness said he worked with him was something like two or three weeks in the course of three or four years. As far as the prosecution is concerned, they have entirely failed to make out any proof that Mr. Mossip was a man worthy, either of credibility, or a man worthy of being employed upon the canal. Take the evidence

of different ones who have been employed upon the canal, and those who have been called by Mr. McCallum—some twelve of them have sworn, beyond all question, that he is a man totally unfit to be associated with, and a man using such violent language that it was utterly impossible for a person to work satisfactorily with him. The first person who spoke strongly upon that point was Mr. Dalgetty, who, at page 309, says: "I have worked with pleasanter men. He was not a very pleasant man "to work with." And at page 310 he said, "I mean by his rough language, cursing "and swearing where there was no necessity for it." Then again, at page 311, he says, "he swears a great deal at times."

That, sir, is one of a few samples of the evidence which we have before us. So I have no hesitation in saying that you must come to the conclusion from the evidence that Mr. Mossip was a man totally unworthy of the confidence of Mr. Ellis and his deputy superintendents, and a man whom it was not safe to haveworking with other employees; that he was continually breeding discord among the men, continually trying to effect strikes, inducing men to believe they were not sufficiently remunerated by the Government, and, therefore, causing insubordination against the management, which you, as a man employing labor, will know is the most dangerous thing it is possible to have. You may take the evidence of old Mr. Muir, Alexander Muir, a gentleman well known in this constituency, living in Port Dalhousie for 40 or 50 years, an employer of labor; he says he would not have any such man at all. Then you may take Mr. Harvey Neelon, a gentleman also employing labor: he says "I do not want to employ such a man." You may follow it on, and take the different men who have been called, and who have employed him; they all say, and bear testimony universally to the fact, that he is not a proper man to be employed on the canal. Then we have Captain Larkin, a gentleman also well-known in this county; he says he is a man he would not have at all.

Now, there was one thing which struck me, which I thought was very unfair on the part of Mr. McCallum; that was an attempt upon his part to fasten upon Mr. Demare the stigma that he had been guilty of using language about Sir John Macdonald, which, if he were guilty of using, was totally unworthy of him. But when we come to examine what are the words used upon that occasion, as alleged to have been used by Mr. Demare, according to Mr. Mossip's story, that he was a dirty son of a bitch; we have the universal testimony of every witness that that is his common expression; every man that has been sworn, who has given testimony with regard to him, says that is his common expression, "you are a dirty son of a bitch." Now, Mr. Demare has met it fairly and squarely; he denies it positively; says it is no such thing. He says, "I have never taken part in an election," and I can personally bear testimony to that myself. He has always tried to act impartially, and to serve his employers to the best of his judgment, and I think you will come to that conclusion when you make your report. But that this Mossip was deliberately telling what is not true in that statement admits of no doubt. We do not rely alone upon Demare; we have George W. Read, a gentleman well-known in the community, of established reputation, a man of honesty and integrity. He says Mossip told him distinctly he never heard Demare make that observation, but that he had heard that Demare had said so.

Now, there is a witness, who voluntarily wrote me a letter as soon as he heard Mr. Mossip's testimony, and I also questioned Mr. Mossip upon the point. So that

you will see, from the evidence of gentlemen of employers of labor [illegible] men who have worked along with him, that this man Mossip is a man totally unworthy of confidence, and a man who should not be employed under any circumstances. Then, we have Roger Miller, a gentleman who must have created a favorable impression upon your mind as a truth telling man, a man who has the entire confidence of Mr. Page, and other persons who have control of public works. He deliberately states that Mossip is a man totally unfit to be employed, a man who creates insubordination among the laboring men on the canal, and, therefore, a man who should not, under any circumstances, receive any favor at the hands of the Government. I took up his case first because it is the foundation of the whole matter; he has laid great stress upon it, and I took the opportunity, early in the case, to cross-examine witnesses upon his character; and I say no less than twelve out of twenty witnesses called by Mr McCallum bore testimony to the fact that he is a man unfit to be employed upon the canal.

Now, taken in connection with that case, Mr. McCallum, in order to show that his charge is made out, that other men, as he says, while less deserving than Mossip were receiving employment every day, he singles out the name of William Daly, drummer Daly, as a man receiving favors, who should not, he says, be employed upon the canal one day longer. The honorable gentleman has spent a great deal of his time, and the time of the commission in investigating the conduct of this man Daly, and I think you must come to the conclusion by this time, that, if ever there was a charge which had failed, it is that as regards establishing the fact that Daly was an improper man to be employed upon the canal. It is shown Mr. Daly at times gets intoxicated; but there is one thing, beyond all question, which is proved in this enquiry, that during the time he is at work he is not a man of that character. Mr. Read has sworn that upon one or two occasions he was a little intoxicated. When asked by you to give an explanation about the word "drunk" or "intoxicated," he could not do it; but he goes on to say, "I did not "discharge him, although I knew I ought to discharge him if he were drunk; I did "not consider he was so much intoxicated and incapable of discharging his duties "that I ought to discharge him." But when we come to examine into the matter a little further we have the overwhelming testimony of a lot of gentlemen, persons who have worked with him, who all bear testimony to the uniform good conduct of the man while upon the work, although it may be his misfortune, while off the work, to be sometimes intoxicated; but, sir, I think you will give credence to the testimony of these different gentlemen who have been called upon this enquiry, who state that he was an efficient man, that he was a man who could take his hand with the rest of the men upon the work, a man who could keep up his end with the other men working on the canal. John Murrel, one of the foremen, testified to his good character and good conduct, and desire to work, and willingness to do everything asked of him; and also the fact that whatever he was asked to do he did efficiently; and was a sober, industrious, and hard-working man, and that he had never seen him drunk on duty. Mr. Leith speaks well of him; and also Mr Demare. It has been attempted to be made out, and I shall allude to it shortly—that he was one of Demare's pets, and, as such, was employed upon the canal. I think you will have no hesitation in coming to the conclusion that, so far as Daly is concerned, he was a man who efficiently discharged his duty, and stood very high in comparison with Mr. Mossip. I mentioned William Daly because he singled him

out, as the man, above all others, who have been employed, and he is the one whom he evidently singled out to prove charge 16; but I think you will come to the conclusion, so far as charge 16 was concerned, that Mr. Ellis was perfectly justified in discharging Mossip, and refusing to give him employment any longer; and, as regards Daly, who was singled out by Mr. McCallum, I think you will come to the conclusion that he was a far more efficient man than Mossip, and one who zealously and faithfully discharged his duty.

Another point to which I wish to direct your attention briefly is the fact that Mr. McCallum, from the commencement to the end of the enquiry, has sought to mix up construction with repairs; and in the early part of the investigation, you will recollect, I objected to that kind of evidence, because I knew it would come out in the end that Mr. Miller was engaged upon construction, that all these different complaints which he had made against Mr. Miller had reference entirely to his employment by Mr. Page, and, as such, should not have been investigated by you But you gave Mr. McCallum, very properly, every latitude, upon his giving you the undertaking he would produce evidence bye-and-bye to connect Mr. Ellis and Mr. Demare with it, and he tried to so mix up the matter that you could not distinguish construction from repairs. On that ground you allowed him to ask questions, which, otherwise, you would have stopped in the beginning; and you will see now, after hearing Mr. Page's testimony and Mr. Demare's testimony, that Mr McCallum mixed up and brought in a lot of matters of construction which had no right to come here at all. The evidence, I think, upon that point is clear and conclusive. Mr. Page has sworn that Mr. Miller was engaged to make different alterations on the canal. He secured the mitre sills, and Ellis had no control over him. (Page 142 of Mr. Page's evidence.) He says also he was employed raising the lock gates. Then Mr. Miller says "neither Mr. Ellis nor Mr. Demare in their capacity "as managing the repairs at any time gave me any material or time or anything to "apply upon construction, and allowed it to be paid for by the repair department "when it should not have been so paid. Work was sometimes exchanged." (Page 1661.) Then further on, at page 1682 "the time was carefully compared at the end "of the month with Demare, and the place where each man was working was duly "marked down. Mr. Demare was quite too particular with me at times." Then at page 1665 "kept the time of the men separate while working on the pontoon." That appears to have been one of the great bugbears of Mr. McCallum, and one of the things upon which he relied; that and the rubber boots, and the gas, the band-hall, and the band wagon. Those seem to have been the burden of the honorable gentleman's song from beginning to end, and the result has shown, I think, that he was not justified in making any accusation, so far as they were concerned, which would attach any blame to Mr. Ellis. I say that as far as "Miller and construction" are concerned, that it has been amply shown that Mr. Ellis and Mr Demare had nothing to do with it; that, while there may have been some misapprehension about the time of the men, that it has been most satisfactorily and clearly established that Mr. Demare paid for nothing out of repairs which should have been charged to the construction; and that Mr. Miller, upon the other hand, has at no time made a draft upon repairs which should have been properly applied to construction.

The next point to which I shall refer briefly is that of the band hall. It does seem to me it is hardly worth while—

THE COMMISSIONER—I would just say here that, in reference to the band hall, and the matter of pets—which seem to be connected; charge 13—that I think there is no necessity of going into any argument with reference to that matter. It is simply a waste of time.

MR. RYKERT—I suppose that remark will apply to the band wagon also?

THE COMMISSIONER—Yes.

MR. RYKERT—Mr. Page himself said that he could not see that it was really a band wagon. Well, then, the next charge seems to be one of a most trifling character; Mr. Demare was charged with having, very improperly, taken away Government timber, and rafted it to Welland. I think that has been satisfactorily explained to you by Mr. Demare and his father.

It was also attempted to fasten upon Mr. Ellis something wrong in reference to the floating tow-path. Mr. Page has satisfactorily explained that, and therefore there is no necessity whatever to refer to it.

Now, another matter of trifling character was that of Mr. Demare and coal. Throughout the whole of this investigation it is quite evident that there was an attempt made to show to you, sir, and to the department at Ottawa that Mr. Demare was not only unworthy of the confidence of his employers, but that he was also getting pickings, and a number of things like that. Now, Mr. McCallum, in his speech, refers to that, and I suppose this coal business is among the number of those pickings. "It looks as if he was getting a lot of pickings," is one of the Senator's complaints. Whether that refers to the coal and things of a minor character, I do not know; but so far as that charge is made, that Mr. Demare received coal from the Government for his own personal use, and charged it to the Government, I think that is amply and sufficiently met by the evidence of Mr. Holmes, who has sworn distinctly that Mr. Longley told him he did not know where the coal was delivered; but, as a matter of fact, it comes out in the evidence sworn to by Mr. Demare himself, at page 1778, and by Mr. Holmes, at page 1780, that Mr. Demare did not live in the house in the fall of 1885, when the coal was put in the cellar; and they fix the time, beyond all question, in 1885. At that time it was the collector's building, and Demare occupied the centre building; and, occupying the centre building, he had no cellar, and was compelled to keep his coal in a shed in the back yard. So I think you will come to the conclusion that there is nothing in that charge.

We come to another question, which I do not propose to make any observations upon—I mean in reference to the rubber boots—because I think it has been effectually disposed of. I think the evidence of Mr. Page, and the evidence of Mr. Demare, and Mr. Ellis and Mr. Miller, all go to show that the rubber boots are not a matter which should be investigated by you. It applies wholly to construction; and there has been a large amount of valuable time wasted in discussing that famous question of the rubber boots. Mr. Page gives his reasons for it: and Mr. Roger Miller says distinctly, at page 1876 and the following pages, that Mr. Ellis had nothing whatever to do with it; he accepts the whole responsibility; and I think you will come to the conclusion, as I have, that that matter should have been omitted from the investigation.

Then the next question is that of the new pontoon. There was an attempt made in the early part of this investigation to drag Mr. Demare and Mr. Ellis into this charge, alleging that they had deliberately and wilfully allowed Mr. Miller to take timber and to consume labor, which actually belonged to repairs, on construc-

tion, for which he, himself, had a direct contract with Mr. Page. Mr. Page explains, in that letter received by you to-day, and said something about it before the Commission; he assumed all that responsibility, and Mr. Page has evidently desired to act in the interests of the country. Mr. Page felt that he wanted that pontoon constructed; and, knowing Mr. Miller had had a large experience, and that he was a responsible man, a man of honesty and integrity, he says "I will give him the "contract; I will tell him what I want done, and have it done according to that "contract." And the best evidence we have of that is this: if you will recollect, a letter was put in from the department, asking Mr. Ellis to examine into it to see exactly how it was. That letter was put in, and that explains it quite satisfactorily. Mr. Miller has explained the whole matter. He has shown that there was a certain portion of that pontoon which was added to by Mr. Ellis for certain purposes in connection with their machinery and keeping their tools. So that you will see that while men on both repairs and construction worked on that pontoon there might have been some show of reason for saying that these men had worked on construction when they were actually working on repairs; but I say the learned Senator should have investigated that matter, and should have ascertained the character of the work they were doing; and when these men come forward and swear their time was paid for at the canal office, I think the commissioner should have been told that there was other work on the pontoon outside the contract, which Mr. Miller was not superintending, but which was being superintended by Mr. Marshall and others in the employment of Mr. Ellis, and acting under repairs. I think you will have no hesitation in coming to the conclusion that, as regards the pontoon, there is not a tittle of evidence to show that either Mr. Ellis or Mr. Demare has acted improperly, or that any money which properly belonged to construction was charged to repairs.

The next matter is about the new lanthorns. That is a matter which you were not sent here to investigate, it seems to me. I do not think the Government has minimized their work to that extent, that they are going to enquire into the expediency or the policy of one of their employees in charge of a great public work saying whether a lanthorn of a certain kind shall be used or not. I think it is beneath the dignity of a commissioner to come here and enquire whether Mr. Ellis exercised proper judgment in choosing the kind of lamps to use. You might say you want a coal oil lamp; you might say you want to have one like a conductor on a railway, or you might prefer one of the old-fashioned candles. You and I might take that view of the matter. I like the old-fashioned lanthorn, with a candle, to carry round; but that is not a matter for you to pass your judgment on.

THE COMMISSIONER—I would just say here as to the evidence that, while some questioned these lanthorns as being efficient, there are others who think they are very suitable for the work; and the question of judgment is one which I could not possibly be called upon to decide, under the circumstances.

MR. RYKERT—Those who have complained about the lamp have never given it a proper test, to be able to say.

The next matter is the clover seed on the canal, which seems a very trivial thing indeed. Mr. Page says he was consulted upon that question. Mr. Ellis was to exercise his own judgment as to what was the best material to put upon the bank to prevent the same slipping into the canal. At page 1,400 Mr. Page says: "I have talked with Mr. Ellis about the clover. I recollect he was trying to find

"out the best clover for the banks. It is necessary to have something of the kind, for the rain washes the banks away." So that that is another matter dependent upon Mr. Ellis' own judgment, and it appears to have met with the approval of Mr Page at the time, but it turned out unsatisfactory.

Then, as regards the trees on the canal, on which great stress was laid by Mr McCallum, it turns out that a letter was received from Mr. Bradley, of February 28th, 1883, reported at page 1455 of the evidence. The letter is put in, where Mr. Bradley authorizes Mr. Ellis to expend $1,000 for that purpose. Now, Mr. McCallum made a great deal of fuss about that, and during the course of the investigation made a remark in reference to the manner in which he had got hold of that evidence; and I was struck with the observation made by yourself, which was applicable, I think, to the whole of this inquiry. The language you used, sir, was not, I think, quite strong enough; it might have been still stronger, in view of the opinion you have upon that class of testimony. Now, I just took the liberty of extracting from page 137 what you said in reference to the anonymous letter; when Mr. McCallum complained that he received a good deal of his information through anonymous letters, you expressed your disapprobation of such means of attacking the character of a public officer, and considered that too much credence should not be given to evidence obtained in that way. It struck me very forcibly at that time, and I take the liberty of quoting your language in reference to this enquiry generally.

THE COMMISSIONER—I may say, in addition to that, that the subsequent evidence which has developed itself has confirmed that opinion in my own mind, with reference to that class of information received in that way.

MR. RYKERT—Now, the next matter alluded to was Mr. Ellis and the boat house. It seems to me that it is a very silly and foolish charge.

THE COMMISSIONER—I do not think you need go into that.

MR. RYKERT—Then the question about loafers and loungers, I do not think you have anything to adjudicate upon in that.

THE COMMISSIONER—No.

MR. RYKERT—Mr. Page has said that that is a very proper order. You have read the order: it speaks for itself. The order was for the purpose of preventing, Mr. Ellis says, a lot of people congregating at the lock-houses, and continually breeding and circulating scandal.

Then the matter about lock-tenders and using vacant land; I think, sir, you are pretty well versed in that, and know all about that yourself. You know the reason why it was done. The lock-tenders were allowed the privilege of using the vacant land upon condition that they would keep it free from thistles and weeds, and upon that condition alone they were allowed to use that land; so that as far as that is concerned, there is nothing in the charge. An attempt was made to make out that Demare and others had been trafficking in that, but I do not think the evidence will warrant that conclusion.

Now, the matter about that receipt, which Mr. Huston and Mr. Smilie spoke of, in reference to the Steamer Haskell, was, I think, satisfactorily explained to you, that, while the official documents show that the receipt was $13, the production of the receipt shows it was only $3. The person in making the copy for the printer has mistaken a portion of the dollar sign for the figure "1." The true amount paid was $3 and not $13, as indicated.

Then the matter of James Grogan I will pass over, because the evidence entirely failed to establish the charge about his fighting one day while on duty. That seemed to be abandoned by Mr. McCallum after a short time.

Then the next matter we have to consider is that about Mr. Smith and Mr. Ellis; Mr. Smith supplying vegetables to Mr. Ellis. Now, it does seem to me that that is one of the smallest attacks made by Mr. McCallum upon the reputation of Mr. Ellis. For you, sir, to believe for one moment that a man in charge of a great public work like this, a man whose skirts have been cleared from beginning to end of this investigation, so far as charges of that nature are concerned, to charge him with giving a man a load of gravel in consideration of getting vegetables for a whole year, seems to be so paltry, that I need hardly refer to it. I refer to Smith's evidence itself, where, in his examination the second time, he so fully contradicted his previous testimony that it rendered him entirely unworthy of belief; and you, sir, took occasion to remonstrate with him; and at page 2367 you effectually dispose of that by showing how clearly and distinctly he had contradicted his former statement; that his memory was much better after having talked with friends outside than it was on the previous occasion. So, I think you will hardly come to the conclusion that Mr. Ellis has been guilty of a corrupt act in trafficking with the Government property for his own private accounts.

And the matter of Smith and the ditch seems to be not worthy of any comment at all. It was a matter of necessity.

Then, another reflection was sought to be cast upon the Government employees in reference to liquid refreshments. It was explained to you that Mr. O'Neill was employed when there was a great freshet here some years ago, when it was necessary to employ a large number of men down at lock number two during the night, in order to prevent danger and trouble to the canal; that the men required something in the shape of refreshment, and they got a four-gallon keg of lager, which was charged as work done. Well, now, it might be returned for that, although it was liquor refreshment. It seems to me a paltry thing. It would have been better, perhaps, as you have intimated, to come out squarely and fairly, and return it as it was; but Mr. O'Neill says that that was the means of making those men work that night, and saving the Government, perhaps, a large amount of money. I think it is too trifling a matter to lay to Mr. Ellis' door. At any rate he did not know anything at all about it.

Now, another matter which you had looked into very carefully yourself, and very properly came within the scope of your enquiry, is the matter of the books. You will, perhaps, hereafter have occasion to investigate the books—and I would suggest that you should—and see how the affairs are carried on; because, on behalf of Mr. Ellis, I demand the most searching investigation into the character of the accounts; that, if Mr. Ellis has not adopted a proper system of making his entries, and showing the receipts and expenditures of the canal, your long experience as a business man may enable you to make certain suggestions to him that would be beneficial to him and also to the country; but, to say that Mr. Ellis, or any of his employees, should have the stigma attached to them that they have improperly weighed or measured, or that they have, through their carelessness or negligence, defrauded the Government, I think is quite unfair. On the contrary, there seems to be as good a system, as far as checking is concerned, as can be obtained. Now, Mr. Walton, a gentleman inspired with an unfriendly feeling against Mr. Ellis,

use the evidence entirely
le on duty. That seemed

bout Mr. Smith and Mr
it does seem to me that
upon the reputation of
an in charge of a great
l from beginning to end
ncerned, to charge him
g vegetables for a whole
refer to Smith's evidence
fully contradicted his
f belief; and you, sir,
u effectually dispose of
icted his former state
l with friends outside
l hardly come to the
in trafficking with the

worthy of any comment

Government employees
you that Mr. O'Neill
years ago, when it was
number two during the
hat the men required
ar-gallon keg of lager,
e returned for that,
thing. It would have
arely and fairly, and
eans of making those
s, a large amount of
or. At any rate he did

rofully yourself, and
matter of the books.
books—and I would
n; because, on behalf
o the character of the
making his entries,
long experience as a
him that would be
r. Ellis, or any of his
hey have improperly
essness or negligence,
ontrary, there seems
be obtained. Now,
against Mr. Ellis,

comes forward and says: "I order the teamster to weigh the iron. I sometimes "weigh it when it comes in at four o'clock. I know the work I have ordered, and "when checking off the bill I know whether it is right or not. When I have a "particular job, I know every pound of iron there is in it and the cost of it. I "generally measure all the lumber and all the other material. I order the timber, "and I check off the pieces as they come into the yard." Now, there is a gentleman in charge of a certain portion of this work. Mr. Vanderburgh, whose evidence was not, perhaps, as conclusive on that point as it might have been, from the fact that he was not always in the yard, says that whenever anything came in while he was there he properly weighed it and examined it, and checked the account every month. When he was not there he left Mr. Holmes or Mr. Demare there. We have called those witnesses, both of whom testify to the fact that every dollar's worth of stuff taken into that yard was either weighed or measured by whoever handled it. And you must have been struck with the testimony of Henry. I was much impressed with his evidence, and the manner in which he explained the business about the iron, and the manner in which he demolished the evidence of Culp, who swore there was fully one-half, and then one-tenth, and then two-fifths of material in the shape of scrap iron went right back as new material. Then you may take Mr. Demare's evidence, and Smith's evidence; and you must come to the conclusion that, so far as that check is concerned, there has been a check upon everything going out and everything coming in; whether it is in that condensed shape that would be satisfactory to a stranger coming here, I am not prepared to say. I think, probably, with your great judgment in those matters, as the employer of labor, and employer of a number of people in different capacities, that you may, perhaps, be able to make some suggestions on that point, which may be valuable; but, I think, you will come to the conclusion that this Government has not been robbed of a dollar by these people, or by Mr. Ellis.

Then another point which, it is contended, reflects upon Mr. Ellis' management to some extent, is this question of paint.

THE COMMISSIONER—I may say here that I think the question of paint settled itself. I do not think there is any need of going into an argument on that. I may just say it turned first upon the quality of the paint; the question was not raised as to the fitness of the person to paint, but the quality of the paint used. Of course that would be chargeable, naturally, to the management. It afterwards turned, not upon the quality of the paint, but upon the use of it.

MR. RYKERT—Then Mr. Ellis' livery account; I think that was satisfactorily explained.

THE COMMISSIONER—If we believe—as we must believe—the testimony of Mr. Foster, there is no question of doubt.

MR. RYKERT—Mr. Foster is a man of unblemished reputation in the city, whose word will go as far as anybody's.

And Mr. Ellis and holidays: it seems to me it is hardly worth while saying anything about that. Mr. Page, in his quaint and quiet way seems to think a man should enjoy a holiday, though he never takes a holiday himself.

THE COMMISSIONER—I can see nothing wrong in Mr. Ellis' holidays; in fact, they seem to be of a very limited character, through the number of years he had been here.

MR. RYKERT—Then that matter of Ellis and the travelling expenses seems to have been ignored by Mr. McCallum although he raised the question about the $300. I want to point out to you that if you examine this official report you will find that in Mr. Ellis' account he is allowed his $75 a quarter, and the horse hire along the canal, and other expenditure, to which Mr. McCallum takes exception. They are all passed by the Auditor-General, and on the same page in that book you will find, in one part of it, Ellis getting his $75 allowance, and below that there will be an account for livery, Foster and others. So that that has stood the test of the scrutiny and the vigilance of the Auditor-General, which is something for any man to be able to say, especially upon our side of politics.

Now, next the Vanderburg matter. You have heard that fully explained. I am not prepared to justify Mr. Vanderburg in charging for trips that he did not pay for; I think he was somewhat irregular in that respect; but he was employed originally by Mr. Page. That was allowed to go on; it was looked upon as a perquisite, like members of Parliament who have passes upon railways, and other things of that kind, which are looked upon as perquisites. He considered he had a right to be paid, and the government should pay. I do not see any investigation into any other person's account in that respect, and perhaps that may be the only one; I do not know, perhaps I might refer to other persons still higher up here who were much in the same position, if I chose to do so. But Mr. Ellis knew nothing at all about that. He swears distinctly Mr. Ellis had nothing at all to do with it.

Then about Hume and the Niagara-st bridge, that was satisfactorily disposed of by Mr. Ellis. Hume says he was badly treated and made to pay for more than he ought to pay. Mr. Demare has sworn that the account was made out in detail and furnished to Hume, and he did not take any exception to it. At any rate, he made no complaint to the department, where he had his remedy.

Then there is the Metamora case, which is a trifling matter, which appears to be a breach of canal regulations, and it was not followed by Mr. McCallum; only insinuations thrown out that Mr. Ellis had treated him unfairly. That seems to have been dropped by Mr. McCallum.

Bridge at Lock 10. There appears to have been some indefinite evidence about that; and, instead of men being employed to do work one day and undo it the next, it appears they were simply, during construction, raising the bridge to get the level to 14 feet; and they had to raise it up a certain height, so that the men could work underneath the bridge on the abutments. So there is nothing in that.

Then the scow Biggar. Bradley swears distinctly and he ought to know that he paid for everything done upon that. It does appear that he was working for the government about that time; but, at any rate, he swears distinctly that at the time that has been referred to here that he did the work and it was paid for by Ellis. So, I think, upon that point you will find little trouble.

Then the next case is that of William Assell. That is one of those cases where there is no doubt Mr. Ellis has yielded to the influence of outside people in rewarding the services of a very old man. Mr. Assell had been engaged in the department for something like 30 or 40 years. He was a messenger in that office, and he had grown infirm and old in the discharge of his duties. At the request of a large number of individuals in this city, who felt that Mr. William Assell was deserving of some recognition at the hands of the Government, Mr. Ellis, after considering the matter, took upon himself to allow this man half pay, and charge it to repairs

Now, as far as that goes, I point out to you, sir, and produce the documents here to show, that he had never been paid for as a common messenger; that while occupying that position, and acting in that capacity, Mr. Assell's name had been attached every month as a common laborer by Mr. Woodruff, by Mr. Biggar, by Mr. Bodwell, had been attached, first to the Dunnville list, and, next to the Aqueduct list, and so on; not with the view of screening the payment or keeping it hid from the government, but it is the most convenient way to charge as a laborer upon the first list or last list coming into the office. Mr. Ellis has done that, and I think, sir, it would have been better, as you suggested, if Mr. Ellis had at once written to the department and stated how the fact was; but, to say that that affected Ellis' management of the canal I think is saying a good deal

Now, the next matter we have to consider is that of "Smith & Disher;" and I think, sir, you must have come to the conclusion, after hearing Phelps testimony, and after hearing Smyth's testimony in opposition to Mr. Disher, that Mr. Disher was not telling the truth; he came here and deliberately stated what was not true. He denied ever having spoken to Mr. Phelps His statement, when he was first called, that he had purchased these bricks himself, turned out to be untrue; and I think you came to the conclusion that, even upon his own testimony, he was not stating what was correct; at any rate, Smyth denies positively he ever sold him the brick, or that he sold him the privilege, for all time to come, of furnishing water, at the time he says he invoked the blessing of the Almighty upon him. It seems to me that he was straining his imagination pretty far. At any rate it was met by Mr. Smyth and by Mr. Phelps, both reliable witnesses, and I think you will give more credence to them than Mr. Disher. It is so improbable and unlikely that Mr. Smyth would agree to furnish him with all the water he wanted, when everybody knows there are millions of horse-power going to waste. What power had Smyth over the water? Ellis had the power. Smith had to do as he was told, and all he had to do was to keep too much from going over. It was going to waste all the time; and the idea of saying he was going to give him so much water, and invoking the blessing of the Almighty, is a perfect farce; and I do not think you will believe it.

Then there is another trivial charge; and there seems to be an attempt from the beginning to fasten something upon J. G. Demare and J. B. Smyth. Some person has come forward and sworn that Mr. Smyth got three stones for his steps. That is all exploded by Mr. Hastings, who swears positively that they were his own, and he sold them to Mr. Smyth, and was paid for them by him. Smyth swears, page 1,720, "recollect Thomas Hastings took some stone steps to my place, and I paid him for them." So you must come to the conclusion, I think, that that is like all the rest of the charges to which I have referred so far.

Then a trivial charge again about Mr. Smyth having Mr. Wilkinson at his place for an afternoon.

THE COMMISSIONER—I think that is hardly a serious charge.

MR. RYKER: With a pailful of plaster. However it seemed to attract the attention of the senator.

Now, we come to another matter, that of Mr. Abbey and Mr. Smyth. Abbey has come forward here, and deliberately sworn that Mr. Smyth, upon condition that he would lend him a certain amount of money for a specific time, stated that he would increase the pay for his horse. Well, now, the whole bottom is knocked

out of that case when we ascertain the fact that he was only paid for the horse a dollar and a half, and that was the usual price, and had been for years before tha and that up to that time that no horse had ever been employed upon the canal, least, not for many years—at less than a dollar and a half a day. Mr. Smyt contradicts Abbey altogether; he says he was working upon that scow; that he ha a horse at $1.50 a day before he ever mentioned to him about this money. Bu look, sir, at the result; Mr. Abbey swears Mr. Ellis knew nothing at all about it Smyth swears the same thing; it is purely a private transaction between Mr. Smyt and Mr. Abbey. Mr. Abbey admits he was paid every dollar back; not a sing dollar was kept by Mr. Smyth, and a transaction away back in 1883 I think, si should never have been brought here. I think it has been fairly met by M Smyth, and I am satisfied he is telling the truth. So that that is another charg against Smyth which must go to the wall. I have shown by Mr. Walton, M Booth, Mr. Bradley, and Mr. Ryan that the price paid for horses—and the offici documents show it—was $1.50.

Now, we come to the question of the cost of the stone at the government quarry and that of our friend John Battle, who sits on the other side of the table. It ha been attempted to be shown by Mr. Walton, for some reason or other, that the Gov ernment was paying a very large price to Mr. Battle for his stone, and much beyon what it is worth. If that were true, you would be justified in making a remon strance about that; but what are the facts? Mr. Walton comes forward an deliberately swears that he could quarry the stone in the government quarry an deliver it at Shriner's bridge for $3.50 a cord. I knew when he was making tha statement that it was not correct, and could not possibly be; and the result shows that my predictions were true. Mr. Hamilton, the next witness called by Mr. Mc Callum, swears that the price paid to John Battle was a fair price; that for the las 15 years—from 12 to 15 years—that the price was $5.50; that the average price fo stone of that quality was $5.00 to $5.50. And yet Mr. Walton has the coo effrontery to stand up here and swear he could quarry that in a quarry, which, by subsequent evidence, is shown to be a useless quarry and difficult to work in, tha he could quarry it for $3 a cord. I say it is preposterous, and the subsequen evidence, Samuel Boyd, Henry Carter, and John Riley must show that Battle wa getting no more than a fair price for his stone; and that the Government quarry is useless and played out long ago; and that, in order to get stone of any average quality, fit for any purpose at all, under any circumstances you would have to pay $5 to $5.50 a cord. Then Ellis has given a reason why the quarry was closed. A page 2,339 he swears that upon consultation with Mr. Page at Ottawa they made up their minds they would close it up, because they could not carry it on on accoun of the expense.

Then, with reference to Robert Simpson; I do not suppose it is worth while referring to that. Simpson has complained a good deal about the conduct of Mr. Morrison at the aqueduct; and we have shown, I think, conclusively, that he was a gentleman who was not altogether in a proper condition at all times to pass a prope judgment. As Mr. McCallum would say, his "how-come-you-so" propensities were rather large.

Then there has been a trivial charge against Mr. Ellis in connection with some stone monuments.

THE COMMISSIONER—I think that is explained. The whole thing would solve itself down to a question whether it was wise to get out so many, which is a question I could not decide.

MR. RYKERT—Now, we come to the charge respecting the Street Railway bridge. I think we have satisfactorily shown, out of the mouths of their own witnesses that the Street Railway bridge was never touched, infringed upon, or in any way altered by the employees of the government. Mr. O'Neil swears to that, and Mr. Smyth swears to the same thing, and I think you will come to the conclusion there is nothing in that charge.

Now, as to the wall at Holder's. I think the evidence must satisfy you as to that

THE COMMISSIONER—Oh, yes.

MR. RYKERT—I refer you particularly to the lease which says they must keep those banks in repair. I think you must come to the conclusion that the Government were not only bound by law to repair that, but, having undermined Holder's wall for the purpose of saving Government property, they should put it in proper repair.

Then, keeping the race clear of ice: Mr. Norris has sworn positively; he volunteered the statement towards the end; he says, "the Government never spent one "cent in breaking the ice on those races. I kept them open at my own expense. "All I can say is that it is a great mistake to say that the Government spent a cent "in breaking the ice on my races." So you will see that all the evidence on that point did not amount to anything. Mr. Merritt swears to the same thing.

Then, as to the question of repairing the bridges and chutes. Even admitting that Mr. McCallum is correct, even admitting there is a doubt about the interpretation of that lease, the lease says beyond all question that that water shall be taken from lock 11 of the canal, and brought down here and delivered into what is called the second race, the Gibson race, and that all the chutes and appliances in connection with it shall be maintained and repaired by the Government They admit that the chute as far as the first race is concerned should be repaired by the Government. We show that for years and years every superintendent of the canal, Mr. Woodruff, Mr. Bodwell, Mr. Biggar, and the whole of them, have employed men to repair these chutes; and, from the evidence given by Mr. Merritt, you must come to the conclusion that, even supposing they were not strictly bound to maintain that second chute, in consequence of the water being dumped down against the bank of the race, it was necessary to carry it off in some way, for the safety of the mills and for the safety of the canal; it was necessary that should be done. Mr. Merritt's evidence, at page 2062, I think bears that out completely. Mr. Norris also explained that, and Mr. Neelon. Mr. Roger Miller swears that while in the employment of Mr. Bodwell, as foreman of the gate-yard, he repaired them year after year.

Now, with reference to stone masons and Mr. Hastings; Mr. Ellis has shown that he made a bargain with Mr. Hastings, a skilled mechanic in this city, to furnish masons at whatever season he might be called upon, for the purpose of completing the repairs on bridges and culverts on the canal, and agreed to pay him $3.50 per day for each mason. Those were the union prices. Those were the prices usually paid at that time, and are paid; and it was a bargain made deliberately by him; and, agreeing to furnish the skilled laborers, he was bound

and responsible to see that they did their duty properly. I think Mr. Ellis evidence rebuts Walton's evidence entirely. Why he should have come forward at this moment and attempted to fasten this upon Mr. Ellis I cannot understand. At any rate, we have Mr. Hasting's evidence that he employed Wilkinson and Thompson; and we have their statements also, in which they say they were employed by Mr. Hastings; and we have Mr. Riddle's evidence, and Roger Miller's evidence that builders and persons in charge of men, when they furnish skilled labor, are in the habit of obtaining a per centage upon their work. It stands to reason, and I think you know in your own business that carpenters will not send you three or four men to work and become responsible for the same unless they have some equivalent for it. That is the usual course of proceeding; and I think you will come to the conclusion there is nothing wrong in that respect.

Now, the next matter is the aqueduct and the delay.

THE COMMISSIONER—In regard to that charge I would just say this; I looked upon it, at the inception of the evidence with reference to that, that it was a matter of very grave importance. It did appear to me, as the charges went on, that, possibly, there might have been a want of proper efficiency there; but after hearing the whole evidence in reference to that, I think there can be no such reasonable charge maintained. I remarked to the learned senator at the close of the evidence that I could not assume he was anxious to convict without reason, and he said no, he was not. I can see no possible ground for charging Mr. Ellis, or any of those in his employ, with not endeavoring, at least to the very best of their ability, to discharge their duty.

MR. RYKERT—I think you must have been satisfied with Morrison's testimony.

THE COMMISSIONER—Yes. I was.

MR. RYKERT—And Captain Harvey Brown, who swore, as to the zeal manifested by Morrison, that if he erred at all it was on behalf of the Government.

THE COMMISSIONER—Yes; that if he erred at all it was overcaution on behalf of the Government.

MR. RYKERT—Now we come to another matter in relation to tenders. In the early part of the investigation Mr. Howse was called; and in his testimony at page 381 and in Stevenson's evidence at page 464, they both tried to show that Mr. Ellis favored a certain stove dealer in St. Catharines in respect to the furnishing of stoves; and from your observation in reference to a letter of Mr. McCleary's, I felt I was justified in pursuing that further. Your remarks were perfectly correct in that respect. If the letter were to convey the meaning or interpretation first put upon it, you must come to the conclusion that something wrong was done, in order to get this contract; but you did not know, nor did I anticipate, that the gentleman making that charge was the very person who was guilty of crookedness in the transaction. Mr. Howse comes forward and swears he could not tender for the Mascott stove, because Mr. Lloyd had the sole privilege of selling those stoves in the counties of Lincoln and Welland from the manufacturer. It turns out from Arthur Lloyd's testimony, and the manager, that Mr. Howse could not sell the stoves to the Government; but he went to Lloyd and said, "I will tender a dollar higher than you tender, and you will pay me the extra dollar." Now, that was not an honest transaction, and I think Howse had better not have come and given us that testimony. I think there is nothing in that, so far as Mr. Ellis is concerned; he

asks for the Mascotte stove; it turns out the stove which had been put in before by Mr. Howse, although cheaper, was totally unfit for use. The Mascotte stove which was selected by Mr. Ellis had been tried and found to work most satisfactorily.

About the tenders for pipe; Mr. Howse swore distinctly and deliberately that he tendered for pipe at 7 cents a foot, while Lloyd's was 9 to 10 cents a foot. Mr Howse says, page 381, "Chatfield told me I was the lowest tender. He said Lloyd "had tendered, but that he was 13 cents a foot." Whereas Mr. Chatfield comes here and states, and I produce the account of the Welland canal office, which shows that his price was the same as Howse's. Mr. Chatfield said the pipe he asked for was American pipe; Mr. Howse says he asked for the Canadian pipe. Mr. Chatfield said they did not at that time manufacture in Canada; therefore, Howse was mistaken; but he asked for the American pipe because it was more uniform in size, and the English pipe was not what it should be. But I think you will come to the conclusion, after hearing Chatfield's testimony, that Howse was mistaken.

Then as to the question of timber; you asked Mr. Ellis yourself about it, and drew out from him what examination there was at 2,343; and you were satisfied yourself, from Mr. Ellis' examination, that it was got in a proper way, and that the tenders were properly got by open competition, and a correct account kept. Now, as to the Albert-st culvert, in the town of Thorold, Mr. Walton shows his venom again by coming forward and swearing that culvert was constructed at a cost of $500 more than the one suggested should be built. Ellis says on the contrary that it is no such thing; at page 2179 he says that the one he built would cost from $600 to $800 less than the one suggested by Mr. Walton; that Mr. Walton never consulted him at all; he says he had no right to consult him. What right had Ellis to go to him?. He might ask him for a suggestion, but for him to impose upon Mr. Ellis his advice on a matter entirely outside of his jurisdiction is a great piece of impudence on his part. Walton is a good carpenter; but for him to talk of throwing an arch over a culvert, he might as well talk of going to the moon. So I think you will come to the conclusion that in that matter Ellis acted in the interests of the country. There was a special amount voted in the estimates of last year for that purpose.

Now, then, we come to the very celebrated matter--

THE COMMISSIONER—I think it has been so thoroughly investigated we need not go into it.

MR. RYKERT—That is the gas question.

THE COMMISSIONER—Yes. It has been so thoroughly investigated, so far as the effect on the canal itself, the supply of light, and its management, that there can be no possible question in my mind. There is nothing to complain of.

MR. RYKERT—In the eloquent language of the late Mr. Pope, "there is nothing to it."

Now, then, we come to Armstrong's charge. There is a charge he made about the turning off of the gas. That was fully investigated by yourself. Mr. Grogan and Mr. Boyle showed that, instead of being asleep and the gas not turned up, that it was just the contrary; it is one of the ebullitions of Mr. Armstrong's temper, which he displayed several times during the enquiry; and the evidence shows that he was entirely mistaken when he made that charge. As regards the long enquiry

about [illegible] the young Mr. Clarke's death was caused by the gas being turned down. I think you will come to the conclusion that it was not, and that there is nothing in that charge.

THE COMMISSIONER—No.

MR. RYKERT—At any rate the order he refers to was not published for two years after these parties were drowned.

The next point is the charge alluded to so often and so feelingly by the senator, the gas burned in Demare's house. That was exploded, I think, by the evidence of Mr. C. Demaro, Mr. Carroll, and Demare himself.

THE COMMISSIONER—Yes.

MR. RYKERT—There is no such thing as getting free gas; and the answer to the last question you put was, "It is simply because I did not attend to it; he pays for his gas, whatever it may be."

Now, we come to another question, about Ellis and the gas. In the early part of this enquiry it came out in evidence that Mr. Ellis had free gas accorded him by the company. It also comes out in evidence that the contract had been signed in 1882, and that Ellis did not get his free gas until 1884; that at the time the contract was signed with the Government they agreed to pay a certain amount of money per annum, viz., $5,000 every half year; a specific amount was mentioned, and Mr. Ellis had nothing to say about altering the amount, increasing or reducing it. The observations, I think, sir, made by you at that time will apply now. You said at page 100—and I could not help but quote from this, because I think it goes to the root of the whole matter; and I do not think you have any reason to change your views now from what you then expressed—you said, "I think that to a degree "the objection of Mr. Rykert is good, for this reason; that Mr. Ellis' private affairs "have no right to be dragged before this Commission, nor have I any right to entertain them, unless it is shown that they are a connecting link between Mr. Ellis "and other evidence of corrupt practices. I do not propose to hold Mr. McCallum "to the strict rules of evidence as before a court; at the same time I must be satisfied that any private matter brought up before me is a connecting link with some "thing that actually affects the matters under consideration."—Then at page 120, you say, "supposing the gas were turned on the canal, and Mr. Ellis had ordered "it, and it could not be shown that the saving of that gas injured the public "service, I cannot see any wrong in turning it down, and I cannot see why the gas "company should be called upon to burn gas when there is no necessity for it. If "it can be shown that the public interest was injured by turning down the gas, and "that Mr. Ellis had received his gas free in order to injure the public interests, "then I should see the relevancy of his evidence."

Those observations seemed to be pertinent at the time, and I think I am justified in calling your attention to them; the giving of free gas was a matter of judgment on their part, and the acceptance of the same a matter of prudence on Mr. Ellis' part; but, to say there is any corrupt bargain, I think you will come to the conclusion is not correct.

Next we have the question of stopping vessels in the canals. It is hardly worth while to refer to it, because it is explained thoroughly by Mr. Demare.

THE COMMISSIONER—Yes.

MR. RYKERT—There is the complaint of Mr. Carter which was made about his vessels being stopped at lock 25; it was fully investigated; and I put in the

gas being turned down.
d that there is nothing

s not published for two
elingly by the senate
ink, by the evidence of

gas, and the
ot attend to it: he pays

gas. In the early part
e gas accorded him by
act had been signed in
that at the time the
a certain amount of
mount was mentioned
increasing or reducing
will apply now. You
because I think it goes
any reason to change
think that to a degree
r. Ellis' private affair
ve I any right to enter
link between Mr. Ellis
to hold Mr. McCallum
e time I must be satis
ecting link with some
." Then at page 120.
Mr. Ellis had ordered
as injured the public
innot see why the ga
o necessity for it. It
ing down the gas, and
the public interests.

I think I am justified
matter of judgment on
ce on Mr. Ellis' part.
e to the conclusion is

canals. It is hardly
y Mr. Demare.

hich was made about
d; and I put in the

report thereon made by Mr. James Dell at 2,[illegible]. So that I think you [illegible] the conclusion that, as far as stopping vessels in the canal is concerned, it is simply a matter of judgment on Mr. Ellis' part; he makes a rule that vessels must stop during certain winds; and if the lock tenders obey those rules, and the tug [illegible] dissatisfied, it is certainly not Mr. Ellis' fault. I think the explanation made by Mr. Demare was quite satisfactory on that point. Then Edward [illegible] that the master of the Alma Munro complained of delay; and [illegible] upon that. That was fully and thoroughly investigated. [illegible] at page 2,200, showing clearly, after a thorough investigation, that Mr. [illegible] was telling entirely what was untrue, and that the owner of the [illegible] the captain in charge, had made no such complaint, and it was [illegible] upon Mr. Armstrong's vivid imagination.

Now, take the matter of double locking. I think it has been [illegible] explained by Mr. Demare.

THE COMMISSIONER—Yes.

MR. RYKERT—Now, we come to a more serious branch of the [illegible]; and that is the treatment of the employees by Mr. Ellis and those under [illegible]. If, sir, his general treatment towards those in his employment is of that [illegible] overbearing character which is alleged, if that has been his habit, and the [illegible] of his deputy superintendents, then I think you are justified in investigating the [illegible]. But when it comes to investigating the question why James Bradley, or [illegible] was discharged, I think it is outside of your province; because, if Mr. Bradley [illegible] improperly treated, or harshly treated, if he had not justice done him, there [illegible] might be reason for the Government reinstating him, or investigating the matter, but it is entirely outside the province of your enquiry, because these gentlemen have an opportunity of having their complaints investigated, and they have not done [illegible]. Bradley swears, at page 213, "I only demanded an investigation through the "committee. Do not know whether Mr. Ellis would have investigated "or not." Now, I say it is not fair to come here after this lapse of time and say Mr. Ellis is accountable for having discharged a man who did not perform his duty.

Next, we come to Charles Collier's case, and I think in his case the punishment was greater than the offence. At the time I thought so; but, after hearing Mr. Demare's evidence, and Mr. Miller's evidence, and what was said, and looking at the fact that insubordination is the root of a great deal of trouble and evil in all public works, I think where a man is guilty of insubordination, and refuses to obey his superior in a great public work, that they are justified in relieving themselves entirely from that man. But, at any rate, it has been shown Mr. Collier will be reinstated, and I think he might as well have kept away, without making a fuss about it.

Then we come to Alexander Stewart's matter. Mr. Alexander Stewart was not discharged from his permanent work. Mr. Ellis thought that he did not act with expedition, and did not obey his orders satisfactorily; and therefore he suspended him. But Mr. Ellis says he did not discharge him altogether, but simply from that kind of extra work at which he was then engaged; and when I pressed Mr. Stewart to say whether he was discharged from the permanent employment, he would not say so. At any rate, we know this, that Mr. Ellis reinstated him within a day or two.

Then there is the case of Martin Nestor; he makes a complaint that John R. Smith threatened him. I think you must be satisfied there was no undue influence exercised by Mr. Ellis or by Mr. Smith. Probably, if a rigorous rule were adopted upon the line of the Welland Canal, a large number of lock-tenders, bridge-tenders, and men in the employ of the canal, would not be continuously running heavy bills with every merchant, mechanic, and other tradesmen, on which credit is given on the faith of the Government employment. When the time comes for payment, they will not pay a cent. That is a custom which should be put a stop to. There is not a grocer in Thorold or St. Catharines who is not complaining of that. The Division Court is full of charges made against men that they will not pay their accounts when they are able to pay. When the case comes up before the judge, they will make a poor mouth about a large family to support, and all that, and are allowed to go, on promising to pay a dollar a month.

John Clarke's case was fully investigated, and I think you must come to the conclusion that he refused to obey the orders given him, and was properly discharged; that it was inhuman, on his part, to refuse to work for a co-worker who had his leg broken. A man who positively refused to work, and told the deputy superintendent he might go to the devil, is not worthy of employment. My experience is, that when one man happens to be sick, his co-workers are ready to turn out and help him.

Then as to Edward Smiley's case. He is one of the best divers we have upon the canal, but he has the failing of getting intoxicated, and becomes abusive, and for that reason he was properly discharged.

We come to the case of W. L. Smith. He tried to make out a grievance, and he entirely failed. He did not satisfy you there was anything wrong. We did not choose to press the enquiry, because it came out in evidence that there was a substantial reason why he should be discharged, namely, that he was guilty of stealing.

Then we have Volney Mann, who comes here and makes a long mouth about being discharged. He had been repeatedly warned about drunkenness. Surely you do not propose to investigate that matter!

THE COMMISSIONER.—No, I do not.

MR. RYKERT—Ryan was discharged for drunkenness, and taken on, discharged again and taken on; every concession granted to him, for the sake of his family, and yet he became so intoxicated they could not keep him any longer. I cannot understand why Mr. McCallum should blow hot and cold. He complained about poor Chester Demare being discharged, and then in the next breath said he was not fit to be in the employment. I do not know what he means by that.

THE COMMISSIONER.—At any rate, it was established he was a good man.

MR. RYKERT—Thomas Hartley, another unfortunate victim of intemperance, a man whose education shows he is entitled to a better position; yet liquor has crazed him so that he is not able to discharge his duty, and had to be dismissed.

And now we come to another class of cases, the incivility of employees. Mr Hume has complained about the unfortunate lock-tenders being asleep, and all that sort of thing. I think that has been satisfactorily met by the evidence of the lock-tenders upon the very lock he complains of, and other locks within a range of four or five locks. They have all sworn that Hume states what is positively untrue. Mr.

Ross has made some complaints. He complains about the lock-tenders being uncivil to him. When he is asked to mention who they were, and when he is asked if he ver made any complaint about it, he will not say what lock-tender; and a lmits he made no complaint: it therefore does not lie in his mouth now to come before the Commission, and say that six or seven years ago some lock-tender called him abusive names, and make a complaint about it now

THE COMMISSIONER.—No.

MR RYKERT.—Captain Saurin makes a similar complaint; and when a man mes here, after a lapse of five years, and swears he has had trouble once, and none ince, saying that ever since he has been well treated, it does not look to me to be fair. At any rate, it shows that the management of the canal has been satisfactory.

Then the case of Sperry Carter—I have referred to that.

I think, Mr. Commissioner, you must come to the conclusion that, so far as the civility of the canal employees is concerned, the universal testimony of tug-owners and others has been that a more civil and obliging lot of men do not exist.

Now, another great crime, the incivility of Mr. Ellis. Mr. W. N. Currant comes here, with all the dignity and responsibility attached to him, being Chairman of the Conservative Association of the Township of Crowland, headquarters at Skinner's Corners, and insists upon Mr. Ellis appointing anybody and everybody to a position; and he says Mr Ellis treated him with a great want of civility, ordered him out of the office, and a variety of other things. He says he came with a list of men he wanted to have employed on the canal, a list in his mouth, not a written list; and he wanted Mr Ellis to at once turn out other men on the canal, and put his friends in. Mr. Ellis said "If you come here commissioned by Mr. Bunting"—and here let me remark this is one of the cases in 1881 Mr. Ellis has to be responsible for—"If you bring Mr. Bunting's letter, indicating he wants an appointment "made, I will put down the name, and attend to it in proper time;" but he denies positively using the expression Current speaks of. He says (page 2131) "I said 'I "never saw you before, and it is no use your coming to me on that business.' The "old man got very wrathy. I would not have recognized him without Bunting's "authority."

Now we come to another celebrated character, a gentleman of distinguished ability—in his own estimation—a man occupying a high position in the community, Chairman of the Conservative Association, of the County of Welland, John McDonagh. I would like to point out his evidence, because there is something about it which stamps it as being untruthful. In the first place, he makes a complaint that Mr. Ellis, about the year 1881, had this row with him He went to his office and wanted him to appoint a man named Galbraith. Mr. Ellis says "You "have already got one of your relatives appointed; and you have also another "appointed; and now you come and ask for a third to be appointed. I cannot "recognize you; I want Mr. Bunting's authority for that." So you will see that while he swears this thing took place in 1881, you know, sir, as a matter of record, that Mr. Bunting was not a member in 1881; he ceased in 1882. He has got the whole thing mixed up from beginning to end; but, at any rate, he comes in there and announces the fact, and a very important fact, which we ought to know, and the country should know, that he is Chairman of the Conservative Association of Welland; and he demands that his relatives, his cousins and his aunts, should have a position on the Welland Canal, and the Government should pay tribute to his

family relations; and because Mr. Ellis chooses to tell him there are no vacancies, Mr. McDonagh gives him the lie, and Mr. Ellis threatens to kick him out of the office. I think you, sir, would do the same thing. I think you, sir, as member have been importuned in the same way. I think in North Hastings vacancies have occurred where there were a thousand and one applicants for the position, and you have exercised your discretion in filling the position; and if a man were to tell you there was a vacancy, and you told him there was not, and he repeated it, you would put him out of your office very quickly. And I think John McDonagh was not treated improperly. Now, Mr. Ellis denies the whole thing; and for that man to come here, and deliberately swear that that animosity was maintained by Mr. Ellis because he refused to endorse a note for him in 1880—that, sir, is given the lie to by his own testimony, where he says that in 1882 and 1883 that Mr. Ellis investigated a claim against the Government, and, in opposition to the report of Mr. Munro, awarded this man $1600 and the use of 40 odd acres of Government land for all time to come at a nominal sum. When he states that, he gives the lie to all his former statements that Mr. Ellis was in hostility to him. It is not true. I have no hesitation in using strong language, because I say it is not right for a man to come to a public officer and say "You have got to do so and so," when it turns out there is no reason for it. I say there should be some check put to that sort of thing. So far as these two gentlemen are concerned, I think you must come to the conclusion that Mr. Ellis has shown a very clear sheet; he has done nothing improper; while McDonagh, whom the evidence shows is a bad-tempered man, has come here showing a feeling and animosity which he ought not to have displayed at the present time, under the circumstances.

Now, we come to the regular charges. I think I have gone through the incidental charges which Mr. McCallum has thrown in, by way of assisting his case and bolstering it up. The charges made by Mr. McCallum in the Senate are of quite voluminous character. In the first place he charges that a very large expenditure for fuel was incurred, and he contrasts the amount expended in the years 1869 and 1870 with those in 1876 and 1877; and also with those of 1884 down to the present time; and in his observations before the Senate he proceeds as follows: "There is "an increase, under the present management of the canal, in this item of fuel, about "one thousand per cent. Mr. Ellis, in his defence, tries to explain the increase by "saying the fuel for the Welland Canal was stolen formerly; that the employees of "the Welland Canal stole fuel for the Government of the country. It is not a very "creditable thing for an officer of the Government of the Dominion to slander a "whole class of people in that way; for I venture to say, for the "employees of the canal, that they are as honest as the majority of mankind. I "dislike to attack the superintendent behind his back; for that reason I wrote "some letters to the Department, asking for explanation. Mr. Ellis' reply will be "laid before the House."

So that you will see that the gravamen of the charge against Mr. Ellis is that he has expended a much larger amount in fuel than was expended formerly. That is fully explained, that there never was an allowance before for it, and the men had to do without fuel.

We go on further and see that the statement made by Mr. Ellis about lock tenders stealing wood is amply justified by the evidence. The evidence is very strong upon that point. There is the evidence of Mr. Smith; there is the evidence

of James Bradley; there is the evidence of Captain Scott, and the evidence of Abraham H. Bradley; and there is the evidence of other people; there was John Neill, who was called in rebuttal; all these witnesses come forward and swear that the lock-tenders were in the habit of getting wood from the scows as they came along, obliging them to pay tribute to them in that respect; and frequently, when they would not be allowed to take wood, they would take it without the knowledge of the parties. Captain Scott swears to that positively, and A. H. Bradley swears to the same thing; and I could have called a dozen witnesses, if you had not stopped me, to swear that the lock-tenders were in the habit of taking wood with or without consent; so that, as far as that is concerned, I think you will come to the conclusion that Mr. Ellis was amply justified in making that statement, to which Mr. McCallum referred.

We come to the matter of "spending a large amount of money without authority." That necessarily involves the question of what were Mr. Ellis' instructions upon that point? When Mr. Page was asked the question if he knew what Mr. Ellis' instructions were, he could not tell; he says, "Mr. Ellis consults "me only when the repairs are large. I was ready to advise him on any subject "when he did do it. He has advised with me very often. He generally had a "string of questions that would fill a sheet of paper when I came, and I always "endeavored to answer them, and do the best I could about it. Some superinten-"dents consulted me, and sometimes they did not. I am very much engaged now "in the construction of new works; and what they can keep away from me they "do." Then, page 1408—"Did not examine into the small accounts for repairs. "An estimate is made and submitted to the Minister. I am consulted about it. "When that is done it is sent to parliament. In large items my attention is "drawn to the same, and I do the best I can. All superintendents make estimates. "Allowance is made for extraordinary repairs in case of emergency. In smaller "ones they exercise their own judgment."

The question arises about the building of the dock at Port Colborne. Mr Page, in his evidence in reference to the dock, says: "Mr. Ellis did not consult me "about building dock at Port Colborne. Had an opportunity of seeing what was "done. Some say it is good, and others not. I dare say it can be utilized."

Now, it turns out in evidence, that the tug owners are apparently a dissatisfied lot of men along the canal, who have a privilege for which they only pay $30 a year; and they seem to make more fuss than any other persons on the canal. They do not like the dock on the east side of the canal, because it is not convenient for them. Mr. Carter says they do not like it, and during a storm it is a bad place to lay. It never was built to answer in a case of a storm, because, in case of a storm, Mr. Ellis says, they will naturally go on into the canal. They will not go out in case of a storm. They will stay inside if they can possibly do so. Mr Matthews says, whenever there is a storm they go and lay in the lock: they go and lay in there; they will not go out where the dock is. But Mr. Carter says the lock should be longer. He found no other fault. If it were longer he would not find any fault with it. It all goes to show it is a matter of judgment on the part of Mr. Ellis. Mr. Ellis has come to the conclusion it is necessary to have it for various purposes, for the purpose of unloading vessels at the elevator, and for other purposes, which you will see, page 2018. He says: "the rough weather, taking the season all through, is very small."

The next question we come to under that head is, the building of the Custom House and Post Office. Now, sir, upon that point, I venture to submit that it is not within your province to criticize. You are not called upon here to say whether the Government was right or wrong in paying for a public work which was completed a long time before this enquiry commenced. Mr. Page says the custom house at Port Colborne was erected for the purpose of taking the place of one torn down. He says it was necessary to have that building; and we find that the Government as far back as May, 1887, advanced the sum of $1,000 on account of the construction of the collector's office and custom house at Port Colborne. You will find it in the return of Mr. McCallum's, at page 223; so that the Government were seized of all this; they knew it was going on. It was taken over by order-in-council, which will be found at page 2312. Mr. Bradley encloses order-in-council to Mr. Ellis, telling him that that has been taken over by the Public Works Department, and now under their control; so that as long ago as 1887, long before Mr. McCallum thought of making these charges, the Government knew the building had been erected and paid for, and ratified it, and took it over as a public work. So I say it is entirely outside of the province of this enquiry to investigate that matter, and I think you will come to that conclusion on looking at the records, which show that it was paid for long before this enquiry was instituted.

Now, we come to a branch of cases, such as the repairs to the canal office, and a variety of other matters, with regard to which I think you will say that Mr. Ellis acted in the interests of the public service in making those repairs. In the first place, in reference to the repairs in the canal office, to which Mr. McCallum has taken exception, you will find that Mr. Page says, at page 1414: "The repairs were necessary. It is desirable for him to consult the Department "about that. It was in a pretty bad state. It was necessary to repair the building. "The corner was falling down, and Mr. Ellis made the repairs." Mr. Ellis has shown, at page 2110, where a letter is put in, he applied to the Department, pointing out the fact of the want of repair, and asked for authority to employ an architect and make the necessary improvements that he had made up his mind to recommend and got permission for that purpose. You see the letter shows he asks to employ an architect for that purpose. Now, the Government knew all about that. That was over six years ago. The Government has approved of it, and Mr. Page says it is necessary.

THE COMMISSIONER—I may say here at once that repairs made and approved of by the Department certainly do not come within the scope of my investigation. To investigate a matter of that kind would be taking exception to what the Government had done themselves.

MR. RYKERT—We come to the celebrated water works at Port Dalhousie that you have not had the pleasure of inspecting; Mr. Demare, and Mr. Miller, and Mr. Ellis, say they were necessary. A large amount of valuable property is there uninsured, and they are obliged to have a watch there all the time; and these water works are kept for the purpose of protecting the buildings in case of fire. The evidence shows, notwithstanding the evidence of Mr. Woodall and Mr. Edgraff who have shown feelings of hostility towards Mr. Demare—and the witnesses all swear that the water works answer the purpose for which they are intended. I think you will decide that is a wise expenditure. Mr. Page did not see them work. He had an opportunity of seeing them over and over again.

Now, the buildings at Port Dalhousie; I think you will say that the evidence overwhelming in favor of that being the best location. Mr. Townshend gave a ngible reason why he located them there, and he fortified his opinion by paying ne $2,000 odd to move the timber from lock 11, on the new canal, to Port alhousie.

THE COMMISSIONER - To save further argument on the matter, I have no esitation in saying at this stage, that if I were to decide where to put the build gs, from the evidence adduced, I would certainly put them at Port Dalhousie.

MR. RYKERT They had to be built; there is no question about that. They paying a la ge staff of men there, paying the staff every month, and they are bliged to repair the gates. There was an accident to the Haskell, and see how uickly it was repaired. When the lock-gates are carried away, the gates are all re and numbered; they are near the establishment; the old gates are taken down the pontoon, and they are taken to the works and repaired immediately, and put a proper position for the next break, and so on.

We come to the bridge at the woolen factory; and I think you will come to the onclusion that the Government had no other alternative but to do as they did. e original map will show how it was; for years and years Mr. Disher allowed the eople to go through his private property, and go across the bridge into the woolen actory, the water power of which is leased by the Government to certain gentlemen. me trouble arose between young Mr. Disher and Mr. Ellis; and he at once claimed e right to shut him out, and, through my intervention, did cause that to be done, force the Government off that ground, and they were compelled to build a new idge. Now, the evidence is overwhelming in favor of that being a proper and licious expenditure. In the first place, the Government had to reach that power; ere is no way to reach that except by this bridge; and you will see the bridge is ross the waste weir on Government property. The proprietor of the woolen actory had no right to go there; the Government had control of it. What does ah Phelps say? He says the Government did work there; and Roger Miller ears he worked with the Government for years and years; he worked upon that; re up the bridge and built a new one. John B. Smyth says he recollects well the overnment working over and over again upon that bridge; and Mr. Ellis was tisfied himself that that was on private property; that the original road was on ivate property, and that he had to build a proper bridge.

Then we come to the celebrated Riordon's pond. Well, that requires an inspec- on, in order to fully understand it. I think you will come to the conclusion that was not, as Mr. McCallum suggested, to please Riordon that was done, or to please Toronto *Mail* He showed his animus because the *Mail* had very properly d this a fishing enquiry He thought he would hit them back, and show that oney had been expended years and years ago, away back in 1883, for their benefit. ere you sent to investigate that? It seems to me not. I do not care if a bargain was ade years ago between John Riordon and Mr. Ellis, by which he would get his per for life; I say that you are not called upon to investigate that now; but I nk the testimony of all would be to the effect that that slip was a useful one, ized by the people in Merritton, and there was no other way of going to Riordon's ll for the purpose of unloading vessels. Surely the Government, when they tax m for a large amount of rent, have a right to give him facilities to go into his harf. Mr. Riordon did not touch those banks at all; they belonged to the

Government. Why should he meddle with them? It would cause a great dea damage. So, I think, you will come to the conclusion that it was a con expenditure.

Now we come to the work at Mr. Demare's house.

THE COMMISSIONER—I think that has been explained; I think I understa that very well.

MR. RYKERT—The next question is that of Shriner's bridge, on the Tho and Allanburg road. I wish to point out to you that that road, as it now exis upon Government property; that the road, as it originally ran between Thorold Allanburg, for the greater portion of the way, ran upon the spoil bank of the can that was purely upon Government property; and when the road company to possession of that road and bridge they had no more right to it than I had. It purely a private road. The original road runs to the west. (Plan shown to C missioner.) This is a road which the canal people had made along their bank for venience. It has been shown Shriner's Creek was a very narrow creek; and if it had been for the water raised in the canal, which caused a back-water there, that all t would have required there would have been a small culvert, which would not h cost very much. The evidence shows conclusively that the road has been altered a deviated. The road formerly ran to the east; the Government changed the r There was a connection formed between the old and the new canal; and that entirely upon Government property; and I say Mr. Ellis was justified in maki that expenditure. Mr. Ellis has explained how it was done. Dr. Ferguson has co here and stated that remonstrance was made to him over and over again by people in the Town and Township of Thorold. It is an important work, used by Government teams; the bridge had been destroyed by Government teams in bu ing the canal; and, being upon Government property, they felt justified in call upon the Government to make the repairs to that bridge. Mr. Ferguson swea and I think his testimony will be received by you as being not likely to be impeac —that, in consultation with John Henry Pope, Mr. Pope said, what was the nat thing to say, "Let Mr. Ellis build the bridge out of his appropriation, as long does not exceed that, and I have no objection." Mr. Ellis, feeling the responsib rested upon him, his attention being called to the dangerous state of the bridge persons passing over it along the canal, knowing that the bridge was used by pers using the canal, felt that it was necessary. You have the explanations of Ferguson and Mr. Ellis; and you will come to the conclusion, I think, that money expended has not been wasted.

As regards the weigh-scales at St. Catharines, I think Mr. Page has stated they were useful; he said he thought they were useful. At page 1412, he says do not see this was an objectionable expenditure;" and I think you will come to conclusion it was a wise expenditure.

Now, we come to another branch of the case; that is, allowing employee work for outside parties. While there has been an attempt made to fasten stigma upon Mr. Ellis, Mr. Demare, Mr. Smith and Mr. Dell, and a lot of o persons in the employment of the canal, I think you will say that has been ent exploded. Let me just say here that even supposing those men have worked days that they say, and allowing the full pay that they could get—I have enum ated this—you will see that in ten years, the total amount of these men's was allowing them the full time, although they are paid by the year, amounts to

would cause a great de
sion that it was a co

lained; I think I understa

er's bridge, on the Tho
at road, as it now exis
ly ran between Thorold
the spoil bank of the ca
en the road company t
at to it than I had. It
st. (Plan shown to
de along their bank for
rrow creek; and if it had
k-water there, that all t
rt, which would not h
e road has been altered
ernment changed the r
e new canal; and tha
llis was justified in mak
e. Dr. Ferguson has co
over and over again by
portant work, used by
overnment teams in bu
hey felt justified in cal
Mr. Ferguson swe
not likely to be impeac
said, what was the nat
ppropriation, as long
feeling the responsib
us state of the bridge
bridge was used by pers
the explanations of
lusion, I think, tha

Mr. Page has stated
t page 112, he says
ink you will come to

allowing employee
mpt made to faste
r. Dell, and a lot of o
ay that has been en
e men have worked
ld get I have enum
nt of these men's wa
the year, amounts to

ormous sum of $118! That is the extent of the expenditure which can be charged Mr. Ellis, according to Mr. McCallum's own version of the story. Just look at it. ttfield says "If I had not been working, I would have been making picture ames for myself. I was employed by the year, and I chose to go and superintend Mr. Ellis' building, and was engaged two or three weeks." I have taken the out le figure, and it comes to $40. The next is Hellems: worked a week; I have given m $10.50. William Elliott, one load of gravel, 20 cents. Peter Paxton, loading o loads of gravel, 40 cents. John Daley, a few loads; I have taken that to be two ds, 40 cents. John Sexton, two days, $2 a day; although he was doing other k, he said, if you will recollect, about five minutes before six, four or five men ded up in four or five minutes; and there were twelve loads. I have given him Mr. Hopgood, $2 for his time. Martin McCormick swears he loaded seven ls of gravel in 1881, and took it to Ellis' house, but Ellis never owned the house il 1883, so you will see how near he came to the mark. Then Charles Hill: i stated he worked 37½ days. He said Mr. Morey would be told he was going to is' house; he would not keep track whether he went there or not; but he comes re and swears the whole time he worked for Mr. Ellis was about three whole days: l he says he did quite as much for all previous superintendents. I allow him 0.50. Murrell, sodding, $8. Hamilton Page, two horses, drawing iron: Thomas ndwell, I have taken the whole of his pay, say $30. John Sexton, at $2. illiam Chandler, cleaning the place after St. George's festival, $3; and William ttigrew and Walton, working half a day down in the hospital, doing an act of arity, $5.50. Making $118.53 in ten years, the offence charged against Mr. Ellis.

Now, I want to point out this to you—and you will see it by the comments I ve made upon the side of this list—that the great majority of these men have orn that they were paid by Mr. Ellis. The foremen all say that they were structed positively not to allow a man's time for any work for Mr. Ellis: so the ference to be drawn is that all these men were paid by Mr. Ellis. Some of them ear that Ellis left money for them in the office; so that if Ellis left the money ere for them, we cannot decide which one it was, and when it was. But, at any te, Ellis says: "I paid for all this; I told the foremen under me not to allow a single man a single hour of wages for any time on work outside of the Government." I think you will come to the conclusion there has been no abuse of that kind per ifted. Now, take all these men that have worked there, who have loaded gravel d cut sod, you must say that the time of these men has not been improperly used Mr. Ellis.

Now, as to this matter of Bondwell's. It appears that Mr. Ellis, for two years, lowed that man to go off for nine or ten days when he was out in camp: whether it was right or wrong is not for me to say; but Mr. Ellis thought, as that man as doing very little work, he was justified, as superintendent of the canal, in taking m along with him for a short time. I do not think that even an accumulation of ose cases would be a ground for censuring Mr. Ellis for having unnecessarily interred with men in the employment of the Government, and utilized their labor in unnecessary manner. It has been stated by Mr. Lewin, Mr. Salvin, Mr. Chesney d others, that Mr. Ellis paid for everything sent to his place.

So, I think you will come to the conclusion, looking at everything, as I know u will, from a fair standpoint, that Mr. Ellis has not used that labor on the canal r his own purposes.

Then, as regards the number of men working for Mr. Demare, it has been show they were working upon his own house

THE COMMISSIONER—Yes.

MR. RYKERT—Making those repairs under the contract with Mr. Miller.

THE COMMISSIONER—Yes.

MR. RYKERT—Then, as regards the men working for Mr. Miller; some these men, among the rest of them George Dalgetty, Robert Johnson and John Do worked for Mr. Miller, and were paid for by him. I produce a letter from t Department, showing where Mr. Miller is charged $87.50 for work which was pa for at the canal office to these men, for work which he should have paid for himse and which has been actually paid.

Then, as regards the rubber factory, it so happens that the only charge th they can fasten there is that Mr. Chatfield worked—the evidence says two days, think he said two hours; I have taken it as two hours; at any rate, we will say tw days; but it comes out in evidence that that was necessary in the interest of t Government. If Mr. Demare had not detected that leak in the dam, the resu would have been disastrous.

THE COMMISSIONER—Oh, yes; I think that was fully answered.

MR. RYKERT—Now, there is another charge, number six, "allowing part to be paid for work not performed." Mr. McCallum strove day in and day out show that Nicholas Hayden had got paid for work he never performed, but he faile

And the next class of cases, using Government property without authority; a the pump at the rubber factory; that has been explained.

THE COMMISSIONER—Yes.

MR. RYKERT—Now, we come to the diving apparatus. I have enumerate a list of the cases, and I have put the number of hours upon my list, and the year I will give you this afterwards; and you will find that most of this work was do in 1882, 1883, 1884, years and years ago; that in a number of these cases the m paid for the use of the armor; but where they did not pay for the use of the arm it was because the vessels were injured in the canal. One struck upon the pier, th Defiance, driven upon it by the wind. Mr. Ellis lent the diving apparatus witho making a charge. Mr. Neelon got the diving apparatus for the Benson, for thr or four days, and Mr Ellis thought it not necessary to charge for that. The Lea ville, no charge; she struck the pier and was leaking. The Haskell knocked th shoe off the toe—I do not know the technical expression—and that occupied a ve short time. A charge is made that the Silcox got the use of the diving apparatu free; it was shown that the money was paid direct to the Department. Th Manitowoc struck the wing on lock number 16; only engaged a few hours; M Ellis did not charge for that. The J. P. Beal struck a lock, and a diver was th for three and a half hours. Then the Morewood knocked off her rudder; occupi one hour at that, and yet we are asked to charge. Tecumseh, one hour, some injur in the canal, away back in 1884; M. J. Cummings, in 1887, the same way; and F J. King, also the same way; and the Bentley (?) we cannot find any trace of at all Mr. Demare searched and could not find it. You will see, that the divin apparatus was used perhaps altogether a week or ten days in the last 7 or 8 year Mr. Ellis says: "I did that to popularize the canal. I felt it was an injusti "to see these men who were navigating the canal, who received an injury, whet "through their own carelessness, or something wrong in the canal, or runni

"against a wing wall—I thought it was not advisable to make a charge for that." He thought it was not advisable, considering the competition with the Erie Canal and the railway; thought it was better to lend the apparatus and not charge for it. I think you will come to the conclusion that there was not really any foundation for the charge made by Mr. McCallum.

Then "Timber on the pontoon." We have had that explained. And "Spikes on the pontoon" has also been explained

Then we have the awful crime of taking 249 pickets, valued at $1.50, from the Government, not paid for. Mr. Demare wanted some lumber 10 feet long. He went to McCleary & Co., and found they had none but 12 and 14 feet, and Demare would not take them unless they charged for only 10 feet, which they agreed to, and he cut off two feet, and the pieces were piled up in the yard; and men were carrying them home under their arms; and one day Mr. Ellis asked if there were not a few boards there to make a sidewalk to his barn; and thought it was no harm to take those pickets, worth $1.50; and I do not think you will consider it worth while to found a charge upon that.

Then the scow used by Hutchinson. That was used for a short time, and Mr. Ellis did not think it worth while charging for the same.

Hydraulic jacks were paid for by Mr. Muir.

Scow for two days used by Hutton. Mr. Demare has explained that satisfactorily; that that scow was laying up in Thorold near the quarry; they were going to bring it down for repairs; and he told Mr. Hutton if he would bring it down and guarantee no loss he might bring down a few stone in it, and he brought it down. They cannot say there was anything wrong in that respect.

Cement for the rubber factory; no cement was used; that is the best answer o that.

Then the only thing which seems to have stuck to Dell throughout the whole transaction is the fact that he did allow the men to take four or five or six plank from the yard and put them in his barn. Now that is the crime to be attached to an officer who has been a faithful servant for many years on the canal,

We come to another important matter, which is in reference to moneys received and not returned in proper time. That is one of the charges Mr. McCallum makes. Now, Mr. Dunn, in the first place, has pointed out that the practice had been, for years before Mr. Ellis' time, of the superintendents, when the fines were paid in, to keep the money in their own pocket, and make the return at the end of the year, and no record kept of them. Since Mr. Ellis has been in the control of the canal, he has invariably put no money in his pocket; the money was collected at lock 7, or Port Colborne, by the collector; the money was sent to Mr. Ellis, and handed over by him to Mr. Lawrence, and entered in the book, the reason for it, and what it was paid for, and then handed to Mr. Dunn and put into the safe. I contend that the moment the money touched Mr. Dunn's hands he became responsible for it under any circumstances; he is the paymaster of the canal. But suppose he did, or did not, the money went in, and Dunn says it was useful to have that money. For instance, if men were employed upon the canal five or six days for special work, instead of making the poor fellows wait for their money, and instead of compelling them to sell their time to sharks around town, as has been often done, he would take the envelope out and hand them this money. If Mr. Dunn was short of money, he would use some of this himself, or Mr. Ellis, or anyone else. It was always

returned and accounted for, every dollar of it. But Mr. McCallum says he has o right to do that. I say that Mr. Ellis has done no more than his predecessors; bu he has done better; he has kept a proper account of the whole thing. I have tl books here, and I invite you to look at them. He says the accountant takes th moneys, and it was entered in the book what they were received for, and they wer put in an envelope in Mr. Dunn's charge; and that may be a proper thing to do instead of paying a five dollar bill into the Department, they kept it there until certain amount had accumulated, and handed it over at the end of the year, o oftener. As far as I can see, the only rule applicable to that is Section 5, of th Canal Regulations. At the end, it says: "Such damage to be estimated by th "superintendent of the canal, and at once paid over to the collector, paymaster, o "person appointed to receive it." No person had been appointed to receive it so fa but I am glad to inform you that Mr. Whitten has since taken charge of the matte and, since this has come specially under the Railways and Canals Departmen instructions have been given that they shall be collected, not by Ellis, but by th collectors themselves.

THE COMMISSIONER—I think that is an answer as to what ought to be done.

MR. RYKERT—But there has not been that looseness about it; and Ellis ha kept a check upon it, which other persons did not do; and every dollar has bee accounted for.

Now, the next charge, that improper influences have been brought to bear upo men who suffer by giving information—

THE COMMISSIONER—I do not think you need go into that.

MR. RYKERT—Then "Did not give a correct reply to order of the House. That has been explained satisfactorily, I think.

THE COMMISSIONER—Yes.

MR. RYKERT—Now, we come to another branch of the case: "That Mr "Ellis is arbitrary in his treatment of owners of vessels, detaining without good "reason; fined tug owner $20, because he questioned his management." Now, let me just say here, once and for all, that these men who have been fined for a violatio of the rules of the canal, whether properly or improperly, have made no appeal t the tribunal where they had a right to appeal. You know, sir, if a man is fine improperly Ellis has got to account for that money. He makes a report to th Government, and the moment he makes the report to the Government it is outsid of his jurisdiction, and, if anybody has to refund it, it is the Government itsel Ross comes here, and what does he say? "That I was in lock 8, and was insulted "by the lock-tenders, abused by the lock-tenders, and I was fined because I di "nothing." And the evidence shows conclusively, beyond all question—the eviden of Nicholas Hayden and William Reid—that this man acted like a blackguard jumped ashore; shook his fist in their faces; and there is the report sent in yea ago, which is the best evidence of the fact that Ellis fined him for that; and now after a lapse of four or five years, he comes and makes the complaint. He did no make a complaint at the time; he did not go to the office and demand an investig tion. When he came to the canal office, Mr. Ellis told him the whole thing wa investigated, and he had made a report to Ottawa; could not do anything more and I think you will come to the conclusion that was properly attended to.

Then, there is Captain James Saurin; we know what he was fined for; for irregularity at the aqueduct. He says he came to Mr. Ellis, and that Mr. Ellis treated him quite cooly, and some angry words passed; and Mr. Ellis told him to leave the office, or something like that; but he admits himself that, at the time of the complaint made against him, he lost his temper with Mr. Morrison; at any rate, he was fined, and only detained a short time in the aqueduct at the time. He was fined, and made no complaint to Ottawa. Ross says he made a complaint to Dr. Ferguson, and that Dr Ferguson sold him; did not act straight with him. When a man swears that before you, especially with your knowledge of what members of parliament have to do sometimes, I think you will come to the conclusion he did act straight; I do not think he is capable of acting otherwise. Mr. Saurin's case was investigated in the same way.

Captain McCoppen comes here with a long mouth. Says he was fined $100. But when I said to him, "Did you pay that money?" he said "No, I did not pay it," and he burst out laughing. Captain Larkin paid it. Why did he pay it? Because he violated the rules of the canal. Why, Captain Larkin would have been glad to get off with $500 fine, for the damage done.

Then Captain Hume's case—

THE COMMISSIONER—You need not speak of that.

MR. RYKERT—Then John Ross—I referred to that a minute ago, connected with the first charge.

Then number thirteen, I think you will bowl out.

THE COMMISSIONER—Yes.

MR. RYKERT—"Increased his favorite's salary without authority, by $300."

THE COMMISSIONER—I do not think that requires an argument.

MR. RYKERT—The Government have been paying it, and they would not pay it without a reason.

THE COMMISSIONER—And if the evidence produced here as to Mr. Demare's efficiency is to be relied on, he deserves the money.

MR. RYKERT—We come now to the most serious charge of all: "Allowed "water to flow into the canal from Lake Erie, in January last, though he had plenty "of men to prevent it, causing an estimated damage of $25,000." Well, now, sir, upon that point, I do not wish to pass any reflection upon Mr. Page at all. On the contrary, I have confidence in his great ability; and I do not believe that Mr. Page would unnecessarily cast any reflection upon Mr. Ellis, if he could possibly avoid it. If you look at the report of Mr. Page, as published in the senate report, you will see he does not blame Mr. Ellis: that letter has been misconstrued by Mr. McCallum. He states certain facts. Mr. Page comes here and gives his testimony, and when asked if he gave any instructions, he said no; and, at page 1419, "I do not know "that any positive instructions were given. I told Mr. Ellis of the intention of the "stop-logs there, and it was for him to give the instructions. The gates were "opened, and they were ordered to be closed in 1885." Now, you will see that in Mr. Page's report sent to you, or which I have a copy, he does not refer to a general order being given to shut the gates at all; it was only during 1885, to cut the ice out of the canal during that particular time. Mr. Ellis got scared about the Fenians; like a great many others about St. Catharines, they got scared about a little sometimes. Mr. Ellis thought it necessary to guard the Welland Canal, and he wrote to Ottawa, and made a report upon it, and a gentleman was sent here to report upon the

matter; he consulted Mr. Ellis, and recommended the gates to be closed. And Mr. Page, on the 14th February, writes that the ice "formed in both old and new locks" "in Port Colborne he cut and chaised away to such an extent that one set of the "gates bearing towards Lake Erie, in each of the locks, are freely closed. "When this is done, the gates should be made fast in position and such a number "of the sluice valves opened as may be found necessary to keep up the supply to "the canal." Now, that only referred to that particular occasion, because you see by the letter that Mr. Thompson was working there, and the whole of the work had not been handed over to Mr. Ellis. So the reason given by Mr. Page, that Mr. Ellis and Mr. Thompson were always quarreling; I am not saying who was to blame for it, but they were quarreling; and Mr. Page took the matter entirely in his own hands, and exercised supervision over it through Mr. Thompson. Mr. Ellis had nothing at all to do with it; and no further orders were given after that to Mr. Ellis. The letter says: "Certain new gates are now being constructed, under his "orders, by Mr. Thompson, the resident engineer. These, when completed, will be "placed directly under your charge; meantime, you will be pleased to allow the "men employed in the work proper facilities for performing the same." So, you will see, while the letter of the 16th of February refers to the fact that the gates must be closed at that time, and the ice cut, there is not one word about keeping them closed after the close of navigation; and Mr. Page, in his evidence, says he never gave such instructions; he says: "The gates were opened, and they were ordered to be "closed in 1885, during the Fenian scare." He goes on to say, "The fact is, the "gates should be closed, storm or no storm, at the close of navigation." And I think there is no doubt about that; because, if an accident happens upon the canal to-day, there is not the means of stopping the water until the whole of Lake Erie is lowered. The tumble gates are in that position that they cannot be raised. I have put in a letter in reference to that, where Mr. Ellis draws attention to that fact; the letter is of April 30th, 1884. I am not reflecting upon Mr. Page at all; it has been an omission upon the part of somebody. Mr. Ellis, as you will see, as long ago as 1881, asked the Department to give him instructions about the tumble gates at Port Colborne, and also at Port Robinson; and he says, in that letter, "Tumble gates are "provided at Port Colborne, and, I believe, at Port Robinson; but there has been "no provision to raise and lower these at frequent intervals, as there should be to "keep them from accumulations of mud and in good working order, and I should "be glad to have the authority to have proper appliances put up at once for that "purpose." Now, Mr. Page admits that if the gates had been closed, that a large amount of damage would necessarily have been done. Then I asked him about the stop logs. Mr. Page says there were arrangements there for putting in other stop-logs; but you will see from the instructions that Mr. Ellis had no authority to put in additional stop-logs. The evidence is that the water went four feet over the top, and, even supposing that Mr. Ellis had put on two feet more, the water would still have gone over that. Then, at page 2285, Mr. Ellis says: "I never received any "instructions from Mr. Page or anybody else, to put in additional stop-logs." Then, on March 7th, 1885, Mr. Bradley writes as follows: "In reply to your letter "of the 4th instant, I am directed to inform you that it is not desirable that the "stop-logs, at the north end of the raceway at Port Colborne, should be put in, save "in the event of such serious injury occurring to some of the important works on "that part of the Welland Canal, as to render this course necessary. In such event,

the insertion of the stop-logs would naturally be the measure adopted. So that you will see that it never was in contemplation to do that. Mr. Page had never before had an opportunity of seeing the storm up to that height. There never was an occasion for it before this. He says the stop-logs were built according to the original plan. In answer to my question, he says: "No special instructions were given any further than the object contemplated was to keep the water out, and if they were not high enough they should be put on. They did answer the purpose "up to January 9th. No trouble since the works were completed until then. The "water was never higher for thirty years. They were left the exact height they "were when constructed; and I suppose the water went more than two feet higher "than that. Then, in 1885, Mr. Ellis wrote the Department about the Fenians; "said they were going to blow up the canal. He was ordered in February, 1885, to "cut the ice and shut the gates, and they were to put in the stop-logs that were "there." That was in 1885, and yet the letter says to put in no more stop-logs. I do not say it is reflecting upon Mr. Page; I look upon Mr. Page as a most eminent man; I look upon him as an intimate friend, and I would not attempt to cast any reflection upon him, nor could I, because he is a gentleman of distinguished ability, recognized all over this continent; but the best men are liable to make mistakes. Mr. Page says it was the most exceptional storm known for the last forty years. But when we come to examine the question about what damage has been done, Mr. Page says there would have been considerable damage even if the gates had been closed; and I think there is no doubt whatever that the water would have risen, even if the gates were closed, to the same height over the stone work along the canal over the stone facing, and that it would have washed the banks; because it is in evidence here that there were storms of the year before that, and two years before that, where the water rose two or three feet over the stone and washed the banks, the water coming from Lake Erie, and it has been in the habit of doing that. If there is any fault to be found it was in not having that high enough. But that this was an exceptional storm admits of no doubt whatever; that there was a wind blowing, and whenever the wind does blow upon the canal, and the water rises, it washes the banks continually. So that when it is said the whole damage was caused by this I think it is an entire mistake. The evidence shows that for the first time in thirty years back, at any rate, that the water opened the lock-gate at Port Maitland, where there is a drop of eight feet into the lake. So you see it was an exceptional storm, which no person could guard against. Mr. Secord says that when he went to bed at 11 o'clock he had no reason to believe there would be a greater storm, or that the water would rise as high as it did. Is Mr. Ellis to blame for that? It seems to me that this is outside of your enquiry. In the first place, you can report the facts, but Mr. Page has already passed his judgment upon it. If Mr Page had thought Mr. Ellis was wholly to blame for that, he would have so reported to the Government, and they would have made Mr. Ellis pay the penalty for it. The Government are seized of all those facts, and I am satisfied if they examine the matter fully, they will come to the conclusion Mr. Ellis is not responsible, and that it is one of the cases which he could not contemplate. So I think you will come to the conclusion it is not a case in which we can make any complaint against Mr. Ellis. The Government were in possession of all the facts, and could pass an opinion upon it if they chose to do so. But I referred to the evidence put in to show Mr. Page must be mistaken with regard to giving instructions; and I do

not wonder at all; he is driven to death; he has the great public works of the country to look after; and it is impossible to understand how he can grasp these smaller matters with the other things which come up. He works morning, noon and night. He has not got the time to do this work, and it should not be forced upon him.

Now, we come to one or two matters in conclusion; in reference to the matter of cost which has been spoken of, Mr. Page says he knows nothing of his own knowledge; he is obliged to submit to his engineers. Mr. Thompson, who is not very friendly to Mr. Ellis, has made his report that it would cost $25,000. We have shown, and the evidence shows conclusively, that, giving the utmost latitude, the whole of these repairs, putting the banks in a better condition than they were before, would cost about $1,900. The evidence shows that, I think. It has been sworn, too, that the ordinary gangs of men employed year after year, with the exception of two additional men, have been employed with other work along the canal, and that other work has been done along with this; so that the damage has been minimized. It has been shown that a large amount of material goes into the canal every year from washes; and when the frost heaves the banks. The frost has an extraordinary action upon the embankment. Year after year a large amount of sediment runs off the bank, and a large amount of earth is cut away and runs in year after year; so I say it is not fair to attribute all this damage to one storm. The estimate was made, and the cross-section taken, some time after the storm took place; so it is utterly impossible to say how much is attributable to this.

Now, we come to the general management of the canal. I think I do not require to put in any evidence before you of the efficiency of the lock-tenders. We have the evidence of tug-owners, tug-captains, and other gentlemen who were utilizing the canal, and they invariably come to the conclusion, and state upon oath, that the lock-tenders have done their best to get them through the canal. Take the evidence of Captain Mawdersly, Captain Armstrong, Captain Saurin, Captain McCoppen and Captain McGrath; those gentlemen all bear testimony to the uniform consideration and kindness of the lock-tenders in affording them every facility in taking their vessels through. So I think you will have no hesitation in saying this canal has been efficiently managed by the lock-tenders, as far as they are concerned.

We come now to men in higher positions along the canal. I do not think I need say much about the management of Mr. Demare; his management so far has given entire satisfaction. He comes here now, and he can leave this court room with a certificate of character from Mr. Page and other gentlemen who have spoken of his efficiency and general management, and I do not think I can add one word to what they say. Mr. Page says Demare is a skillful man; he says, "he is a very deserving man, a capital man, both energetic and skilled." (Page 1399.) Mr. Ellis bears testimony in the same direction; and I think you will come to the conclusion that, so far as he is concerned, when Mr. McCallum made the attack upon him and charged him with having utilized his position on the canal for his own private purposes, against the interests of the government, he was mistaken and not justified in making the charge.

With regard to Mr. Smyth's management, we leave the record of Mr. Smyth, who is an old and valuable servant on the canal. We have the testimony of gentlemen who are not political friends of his; we have the testimony of Noah Phelps and Captain Norris, and Mr. Neelon, Robert Coulter, and others, who have been

opposed to him politically, who have come here voluntarily and borne testimony to his great efficiency in the management of the canal. It seems to me you can come to no other conclusion than that Smyth has acted in the public interest, and, as deputy superintendent, has discharged his duties faithfully and well.

As regards the management of the canal by Mr. Ellis, I do not think that you can point to a single statement in the evidence which will warrant you in coming to any other conclusion than that Mr. Ellis has managed the canal well. Mr. Ellis stands here to-day without a charge against him as to the efficiency of his management. Mr. McCallum has studiously avoided asking a question as to whether he managed the canal well or not. Captain Ross, Captain Saurin, Captain McCoppen and Captain Hume all have private grievances of their own. Not one single man was asked the question as to Mr. Ellis' management; Mr. McCallum has studiously avoided that; and at the close of my notes every day, I made that observation in brackets that Mr. McCallum failed to ask any question as to the management of the canal. And, as I said in my opening remarks, had Mr. McCallum been desirous of attacking the management of the canal, there are dozens of men within your knowledge of world-wide reputation, who could come here and pass an opinion upon it. You can go back and examine into the management of the canal for the past ten years, and you will see nothing wrong; it has not been managed in a slip-shod manner; everything has been done permanently and well; and it will remain as a monument to Mr. Ellis' management for all time to come. We have the evidence of men who are not political friends of his; we have Noah Phelps, a gentleman, one of the proprietors of a large enterprise in Merritton, the paper mill; he testifies as to the efficient management of the canal. We have the testimony of Mr. Ferguson, who says no man has ever complained of his management. Mr. Page says: "Have heard no complaints of Mr. Ellis' management." He says that at page 1425. I look upon that as important testimony. We have Alexander Muir, who has been a life-long Reformer, who has no friendly feelings towards this Goverment; he comes and testifies to Ellis' management, to his efficiency in management; he testifies also in favor of Mr. Smith and Mr. Demare. Then we have Mr. Baldwin, manager of the Ogdensburg Transportation Line, a gentleman who controls a large amount of traffic coming through the canal; he says Ellis has done much to popularize the canal; he has managed it efficiently; he wants to see no change. Those are men who can pass proper judgment. There is Captain Larkin, who occupied the position of President of the Reform Association. I do not know whether that is an honorable office or not; I am not in the secrets of that organization at all; but, judging from my own organization, I would think that it was not very lucrative, at any rate. He comes forward and says Ellis' management has been entirely satisfactory. Mr. Matthews, of Toronto, vessel-owner, and other persons who have a right to know, come over and give their testimony. Archibald McMaugh, a gentlemen well-known in the marine world, whose opinion will stand high in any place, whose opinion on the Kaminstiqua job had due weight in the House; John Cloy, another prominent Reformer; Thomas R. Merritt, who is always over-cautious in giving an opinion; all testify to the general good management; and we have Robert Coulter, from the County of Welland, a gentleman who says his whole interest for a life time has been wrapped up in the canal; he draws a comparison between Ellis and his predecessors, and says there is a marked distinction in favor of Mr. Ellis; and then there is the last witness, Mr. Neelon, and his testimony is valuable, too. All these gentlemen

testify to the good management of Mr. Ellis. So you must come to the conclusion the canal has been efficiently managed by Mr. Ellis. It is true that little things have cropped up here and there; but look at the gigantic work which is going on. He has been here for ten years; and what can you say against Mr. Ellis? He has got 249 pickets; that is all he has put in his pocket, and that not paid for by the Government; he has had sod brought to his house, and a few loads of gravel; and that is all you can fasten upon Mr. Ellis. He may have erred in judgment upon one or two occasions, but his whole interest has been in favor of the canal and the Government.

And the last point is the testimonial to Mr. Ellis. I pointed out to you, and I now show you that Mr. Conway, the manager of the canal at Lachine, the general superintendent, that he has had a testimonial given to him repeatedly, and that, too, with the knowledge of the Government, given to him in a public place, commented upon by the merchants of Montreal in the Board of Trade, and public notoriety given to it; and yet there has been no remonstrance. It is a matter of taste about a gentleman receiving those things; but to say that any testimonial given to Mr. Ellis, either of a flattering character, by way of resolution, like that of the Thorold Township, or otherwise, is given in consequence of a service to a class in the community, I think is not justified.

But Mr. Ellis, when he came here, was in an unfortunate position. I do not know that you are here to expose his private affairs.

THE COMMISSIONER—No.

MR. RYKERT—He came here in an unfortunate position; and if they gave him a testimonial, it was not for the purpose of making him give them a *quid pro quo*. He has acted in the public interest, and I think the testimonials have had no derogatory effect on the public interest. And, with these remarks, I submit, with all confidence, that, after a careful review of the matter, you will report that the whole investigation, from beginning to end, was prompted by malice, by a personal spite, in the interests of a man named Mossip, who was totally unworthy of any trust being reposed in him. I make those observations because Mr. McCallum charges that this man was unjustly dismissed. Now, we have shown he is a man totally unworthy of the confidence of anybody, unworthy of being employed; and all the charges, from beginning to end, are based entirely upon the evidence of disappointed men, who have been turned out of office because they disobeyed orders, or for drunkenness, or for the violation of some rules, which were necessary to be enforced in order to have efficient management on the canal. So I think you will come to the conclusion that the whole thing, from beginning to end, is a frivolous and vexatious enquiry; and I would urge upon you strongly, if I be permitted to do so, to make such a report to the Government as will satisfy them that there was no ground for the enquiry; that while you make your suggestions, as I know you will do, about the management of the great public work, I think you must come to the conclusion that no portion of the report will be able to fasten upon Mr. Ellis any stigma or any charge that he has acted in dereliction of his duty.

THE COMMISSIONER—I wish to just say, at the close of this investigation, as I probably shall not have another opportunity of doing it, and I wish it taken down, that I have been exceedingly gratified at the courtesy that has been extended to me personally by the parties conducting the case, by Senator McCallum on the

one part, and Mr. Rykert on the other; and I may say further, that all papers and documents required have been supplied me with the least possible delay. I am not aware that any books or papers necessary for the proper investigation of this matter have been withheld, or delayed unnecessarily; and it is very gratifying indeed, to be able to state that, and state it officially as a fact. I also must say this, that whatever may be my conclusion in reference to this investigation, that the Senator has shown a large amount of patient investigation in this matter; but I think that Mr. Ellis is to be congratulated upon the fact that he has had so able a counsel looking after his interests. Mr. Rykert's knowledge of the canal, and his knowledge of all the circumstances, have added very much to the great ability he has shown in bringing this matter before the Commission in such a way as at least to give the views that would be held by him of Mr. Ellis' position. If I do not reach a satisfactory conclusion, it will not be because I have not had the matter laid before me, I think, in a very careful manner. I shall probably find it necessary to make further enquiries in connection with this matter, in regard to the official management in detail, and perhaps the management of the office, but possibly not this week.